

Cecil County Technical Advisory Committee (TAC)

January 4, 2006, 9 a.m., Minutes

Present: Tony Di Giacomo (CCP&Z), Fred Orr (CCDPW), Joe Moore (DEH), James Kyte (FA), Cynthia Latham (MDE), Butch King (SHA), Bob Markwardt (CCBoE), Chris Brown (SCS), Daniel Graham (Citizen's Representative), Kathleen O'Connell (CCP&Z).

Absent: Philip Cwiek (USACoE), James Reynolds (Del Marva Power)

Mr. Di Giacomo called the meeting to order at 9:05 a.m.

1. Bailiff Property, Concept Plat, Bailiff Road, Morris & Ritchie Associates, Inc., Third Election District

James Keefer, Morris & Ritchie and David M. Shafkowitz, Elliott Building Group appeared and presented an overview of the project. Mr. Keefer stated the property is approximately 91 acres and he added that he is saying approximately as they are in the process of doing the boundary survey. The tax records indicate there are 104 acres, so there is some discrepancy and we are using the 91 as being the more conservative number. The property is split zoned. The western portion of the site, west of Bailiff Road is zoned NAR and we are proposing 24 lots under bonus density provisions of the NAR zone. On the east side of the property, we are proposing 92 single family attached homes or townhomes and will be seeking rezoning to an RM zone. Mr. Shafkowitz presented a history of Elliott Building Group which began in Buck's County, Pennsylvania and has expanded in its eleven year history. There was a time when they were going to ask for rezoning the entire tract, however this did not develop and in deliberation with the P&Z department they have determined that the current layout is what made sense for the project. Mr. Shafkowitz stated that their intent was to maintain the density and come up with a good plan. Our company will set up a separate meeting to meet with the residents of the area so they may hear their concerns.

Daniel Graham, Citizen's Representative, stated there has been much discussion about the project. Mr. Graham read a petition signed by 22 neighbors of the project who are opposed to the townhomes proposed for the property. Mr. Graham also read comments from Mrs. Brubaker, a signatory on the petition, who states she does not object to the single family homes, but does object to the townhomes and the added traffic. She is also concerned about the 12' road paved area in the development. She has additional concerns about crime in the area and is concerned that the townhomes will add to that problem. Mr. Logan, a farmer adjacent to the property, who has experienced ground water problems since the development of Montgomery Oaks. FEMA spent money here several years ago to increase the height of the banks of Stoney Creek to help try to keep the water off of his property. When it was all farm land, it was rare that the creek overflowed and now it overflows regularly. He is concerned that more development directly across the road will present additional problems with Stoney Run over running its banks. He also has met with the Sheriff trying to get a handle on the crime in the area and with the townhomes; they think there will just be more crime. Other residents are concerned about water and sewer. Rebecca Allen is opposed to any building at all. The petition indicates they have concerns about water and sewer, crime, traffic, schools, fire hydrants and also the environment.

They note that the different developments in the area have continually increased the flow of traffic on the road.

Bob Markwardt, CCBoE stated that there would probably not be interior bus service due to short distances. Bus service would be provided where the roads come out. There are some concerns due to the intersection of Bailiff and Theodore as that is not one of the best sight distance roads. He recommends a bus shelter at the primary intersection of the two roads so the students have a place to wait off the roadway. What is the size and price are you anticipating and when do you expect to start? Mr. Shafkowitz stated that most of that is driven by the market, but the townhomes are shown as 24' wide, two car garage units, two floor units, minimum 1800 to 2200 sf, probably in a price range of \$250,000. The single families will be large lot homes, 2800 to 4000 sf homes mid to high \$300,000 and would begin at the end of next year.

Chris Brown, SCS read the comments of SCS. The proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided as well as checklists for the sedimentation control plan. All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District. Copies of soils report were presented to applicant.

Fred Orr, DPW, stated a Street and Storm Drain plan, Stormwater Management plan, Sanitary Sewer System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval by the planning commission. In looking at the plat, is it your intention to serve the detached single family residential homes with public water and sewer? Mr. Keefer stated that they have been told that they cannot in a NAR zone. Mr. Orr asked if they are proposing to serve the townhome section with public water and sewer. Applicants responded that they are. Mr. Keefer asked if there is an option of providing sewer service to the NAR. Mr. Orr did not see it on the Concept Plat and normally that is identified on the Concept Plat so I was asking the question for record response. Mr. Keefer stated that from a precedent standpoint, they have been told that they cannot serve with public sewer even though it will be out front in Bailiff Road. Mr. Orr stated that if the detached residential portion is not in the Master Water and Sewer Plan then you would not be able to serve that with public water or public sewer. Even if you submitted the engineering drawings to us, ultimately we would be prevented from signing those until you acquired your Amendment to the Master Water and Sewer Plan. Mr. Keefer continued that his question is there likelihood that the water and sewer master plan would be amended to include an NAR portion of land. Mr. Orr stated that he cannot speak to that as he is not the approving authority for the Master Water and Sewer Plan Amendments. If your intent is to make that request to the Board of County Commissioners, it would be good to disclose that at this point.

A Traffic Impact Study is recommended as a required condition of any concept plat approval. The TIS shall investigate the intersection capacities at Bailiff Road and MD rte 274, Bailiff Road and Theodore Road, and Theodore Road and MD Rte 274. Signal

Warrant Analyses will be needed at all three intersections. Submit the TIS for SHA and DPW review.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The Village Green layout contains internal roadway characteristics and geometrics that require a variance to the Road Code before review of engineering submittals can be made. The paved roadway width in the NAR-zoned section may be tapered to the required minimum width west of the lot 1 & 2 boundary shown. What we are getting at there is that you need not continue that extra width of the roadway several hundred feet beyond the entrance. Fifty feet beyond the entrance island, in the case of a minor cul-de-sac roadway, is enough distance to begin the 10:1 width reduction taper to the standard right-of-way. The idea being that there is enough pavement width there that without the island you might actually have people turning around in the roadway.

The offsite road access must be studied by the Developer/Applicant and an offsite road condition survey, along with an initial offsite road improvements proposal, must be submitted to the Department of Public Works prior to submitting for TAC review of a Preliminary Plat. A Protocol 2 Survey is required and the scope of the survey shall cover Bailiff Road from the site to Theodore Road, from the site to Old Bayview Road, and Old Bayview Road from Bailiff Road to MD Rte 274. Depending on the time of your submittal, there are at least two other projects that have Concept Plat approval already that will be required to study portions of Old Bayview Road so before you undertake the Protocol 2 Survey, I would suggest that you contact Mark Woodhull, Sr. Plans Reviewer with DPW and acquire what information has already been submitted to the department recently on Old Bayview Road. The idea is not to re-invent the wheel, but rather to connect your study with the studies that have already been done or are about to be done.

It is the Department'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. All easements for the sanitary sewer lines must be reflected on the final plat. The Developer is responsible to complete a public sewer capacity analysis and provide a preliminary sewer system layout. The limits of this analysis shall begin at the site and cover the downstream collection system to the first manhole south of the Bethel Springs Road crossing. The preliminary sewer layout must be submitted prior to preliminary plat review by the planning commission. The sewer capacity analysis must be submitted prior to any engineering submittals to the Department.

Based upon the current permitted capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval (concept through final) no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at their own risk.

Will this project be phased and what do you anticipate going first? Applicants responded that they are not sure at this point.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Storm drainage easements must be separated from private stormwater management and access easements.

The following standard notes and requirements apply to this plat and project:

- 11.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 11.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 11.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 11.4 Requirements for Utility relocations.
- 11.5 Requirements for Public Works Agreements
- 11.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 11.7 Requirements for Final Plat - Public Sewer Allocation.
- 11.8 Requirements for Sewer Service Cleanouts – Location.
- 11.9 Requirements for County Roads.
- 11.10 Requirements for Driveways.
- 11.11 Requirements for Stopping Sight Distance measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”*
 - c. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code directs that Bailiff Road must be upgraded to a Minor Collector Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the street & storm drainage construction and the public sanitary sewer construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. Developer must request and obtain a public sewer allocation from the Department of Public Works and a public water allocation from the Town of North East before submitting a final plat for approval.
8. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
9. The internal street grade leaving Bailiff Road may not exceed 5% within the limits of the intersection right-of-way.
10. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
11. Applicant must provide stopping sight distance measurements for the Bailiff Road access locations to DPW prior to preliminary plat submittal. Mark the proposed access locations in the field by staking or flagging.

James Kyte, FA, asked if they will be placing hydrants for the townhomes and can they put a hydrant out on the street for the single family homes on the corner at the main entrance. On your center island, you have it set out for the townhomes with a setback of approximately 15' to the center isle and going into the single family homes goes back 12'. Can we get them to 20' to allow for the swing of the fire truck? Townhouse roads are 24' and what I'm looking for is swing for fire trucks. Mr. Keefer stated that he thinks it is 26' in the townhome section. Mr. Shafkowitz asked if it would help is it was a mountable island. You should work with North East Fire Company about fire hydrant placement. You are planning a two car garage and two cars can park in driveway. Mr. Keefer stated that there is some visitor parking also. Mr. Shafkowitz asked about putting dry hydrants for the cul de sac. Mr. Kyte stated that applicant would have to run their own 6" main up there.

Butch King, SHA stated that he will need to see 5 copies of the TIS and the Signal Warrant Analysis.

Cynthia Latham, MDE stated a water appropriation permit for the single family homes will be required.

Joe Moore, CCDEH read comments. See attached. Additionally, seasonal testing will be required. No comments were received from the ACOE.

Mr. Di Giacomo stated that upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is NAR and DR – proposed to be rezoned to RM. The NAR zone permits a base density of 1 du/ 5 ac., or 1/3 bonus density. Proposed are 24 lots on 72.12 acres, for a proposed NAR bonus density of 1/3.005. The RM zone permits up to 12 townhouses per acre. However, the DR zone permits neither townhouses nor densities above 4/1, and the Planning Commission cannot establish a Concept density or layout that is inconsistent with the underlying zoning. Therefore, without the rezoning, this proposal's Concept Plat cannot be submitted for Planning Commission approval. Proposed are 92 townhouses on 18.92 acres, for a proposed RM density of 4.8625/1. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

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

To satisfy bonus density eligibility in this case, 60% common open space is required in the NAR zone; 60% is proposed. 20% is required in the RM zone; 29.75% is proposed. In the DR and RM zones, at a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands, except in the NAR portion. The DR-zoned portion's C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

No landscaping of the development envelope is required in the NAR zone; 25% is required in the RM zone. Sidewalks are recommended in the RM zone.

Fire hydrant final locations should be selected in consultation with the Department of Public Works and the North East Fire Company. Consideration should be given to the installation of a dry hydrant to access the pond in the proposed common open space.

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.

Bufferyard Standard C is required, outside the right-of-way, for the road frontages along of Bailiff Road. In addition, the RM zone requires a peripheral 25' Bufferyard Standard 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. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

A number of proposed townhouse lots exceed the 3:1 length to width ratio established in §7.4.2. One unnumbered lot on an unnamed street is only 15' wide; the minimum townhouse lot width is 18'. 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. Bailiff Road is functionally classified as a collector road; therefore, minimum setbacks from it must be 100' in the NAR zone and 50' in the RM zone, per Article VI. The "Typical Townhouse Detail" is at odds with what's depicted on the plat, where the townhouse building envelopes are depicted intruding into the required Bailiff Road setback and bufferyard. 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 # 7 references community facilities, but no real information has been provided in that regard. The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. The Master Water and Sewer Plan classifies the DR-zoned portion of this site to the east of Bailiff Road as W3 and S1. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale. Documentation of water allocation must be provided by the applicant prior to the Planning

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

§4.0.13 (m) requires that the Concept Plat include the total number of off-street parking spaces and the space to unit ratio. 44 overflow parking spaces are depicted around the proposed village green. What is the rationale for bunching them at one end of the site, and are they proposed to be in the public right-of-way, to be maintained by the County? Mr. Keefer stated that having the overflow parking spaces at one end of the village green has to do with layout. Mr. Keefer stated that there could be an easement and the road could be maintained by the HOA. Mr. Shafkowitz asked if the internal road need to be dedicated to the county. Mr. Di Giacomo explained what a lot on a road means.

§176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but, if so, 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. A Traffic Impact Study (TIS) will be recommended to be completed prior to the TAC's review of the Preliminary 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. Applicants were additionally reminded that without the rezoning, the foregoing is a moot reminder. Mr. Shafkowitz wanted to know if there is any feedback regarding the higher density and the rezoning and the probability of success. Tony Di Giacomo stated the purpose of TAC is to give technical comments. The rezoning request would go to the Planning Commission who would make a recommendation to the board of County Commissioners, who would in fact make the policy decision whether or not to approve the request. Mr. Di Giacomo further stated that what is before us today is a design that assumes you will be successful in the rezoning request and we have thus rendered comments on that design, based on that assumption.

2. Ridgeview, Phase 1, Lots 1-14, Preliminary Plat, Crossland Lane & New Bridge Road, Morris & Ritchie Associates, Inc., Eighth Election District

James Keefer, Morris & Ritchie Associates, and Will Nori, Clark Turner Companies, appeared and presented an overview of Phase 1 of the Ridgeview project. Concept Plat approval has been received. We are looking at 14 lots that have been perc tested. Phase 2 will be presented when perc testing can be completed during the wet season. The JD is scheduled with the U.S. Army COE for 1/12/06. The Boundary Line Survey has been completed by Morris and Ritchie. A Sensitive Specie Study has been completed and faxed to the office of P&Z this morning that identified that there are no species of concern on the site.

Mr. Graham, Citizen's Representative, reported that no comments were received.

Mr. Markwardt stated no interior bus service would be provided, and asked what size homes and price range would be proposed. Mr. Nori stated that they will be similar to the

Bulle Rock development in Harford County and would be 1800 to 3500 sf homes ranging in price from low \$400s to the upper \$600s. He provided Markwardt with copies of that project, and stated they will probably use the same design for the Bainbridge project as well. Asked when they plan to start, Mr. Nori responded right away.

Mr. Brown, SCS, presented copies of soils report to applicant and stated the proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided as well as checklists for the sedimentation control plan. All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.

Mr. Orr said 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. This plat does not meet the minimum preliminary plat information requirements set forth in the Cecil County Subdivision Regulations, specifically sections 4.1.22 (k,m,n, & p), and will not be acceptable for review until the required information is shown.

Did you submit the stopping sight distance measurements for the New Bridge Road access location as required by the Concept plat comments prior to preliminary plat submittal? Mr. Keefer responded that he does not know and he will check, however, he does not think so.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The minor/cul-de-sac open section county road standard specifies twenty (20) feet of paved width. Why is 26' shown? Mr. Keefer stated this is because of a comment that the Fire Department's Representative made. The existing driveways for Lot 11 and Lot 21 along New Bridge Road, shown as properties of Stephen Funk (lot 11) and Thomas and Sandra Foster (Lot 21), will not meet the required 75' offset of Section 2.10 of the Cecil County Road Code, or the requirement to exclude access driveways from the minimum required acceleration and deceleration lanes. How do you propose to address this design and code related issue, given that the current New Bridge Road entrance is not approvable as shown? Mr. Keefer stated that they will need to look into that further and maybe discuss whether they could come off of Oak Ridge Court. Mr. Orr stated that would be a solution of securing approval and even if you went forward and got a preliminary plat approval, as of right now the layout as it is shown cannot be approved by the department. One way to solve that would be to connect those lot driveways, approach those two property owners and secure their approval to give them access to the new minor road. Another access would be to contact them and consider relocating those driveways with new access points that would meet the road code. You have a variance option available to you, but at this point, I do not feel very positive about the distances that are available between the driveways and what would become the access improvements and the pavement improvements along New Bridge Road. Mr. Nori stated that he wanted to do some nice trees along there also because they had questions in the first go around about tree buffers and all so maybe we can do something nice along there.

Mr. Orr continued. New intersection/entrance signage will be required along New Bridge Road. Stormwater Management facility discharge should be located at the base of the steep slopes shown (to minimize erosion potential); and, if available, at a defined point of existing onsite runoff channelization. Any stormwater management facilities discharging to the Octoraro Creek watershed shall be designed to meet Stream class III&IV standards in the 2000 Maryland Stormwater Design Manual (specifically addresses thermal impacts). Who will maintain the existing onsite pond will it be the property owner for lot 13? Mr. Keefer stated that it is actually in the HOA and common open space. The breach condition flow rate from the newly selected stormwater management facility location may not cause an immediate breach of the existing downstream pond. A hydraulic analysis of this event condition must be submitted by a Maryland registered professional engineer as part of the stormwater management design submittal review. How do you propose to provide stormwater management for Berkeridge Circle and the lots east of the natural topographic divide which would be lots 3-5 and lots 6-10 or 11? Mr. Keefer stated that they may run a storm drain system that goes back behind the lots and down. How do you propose to provide stormwater management for the portion of Berkeridge Court the drains to New Bridge Road – no facilities are shown at all. Show private stormwater management and stormwater management outfall easements across common open space on preliminary and final plats.

The following standard notes and requirements apply to this plat and project:

- 9.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
- 9.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 9.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 9.4 Requirements for Utility relocations.
- 9.5 Requirements for Public Works Agreements.
- 9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 9.7 Requirements for Stopping Sight Distance measurements.
- 9.8 Requirements for County Roads .
- 9.9 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*

2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that New Bridge Road be upgraded to a Minor Collector Road standard for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. Applicant must provide stopping sight distance measurements for the New Bridge Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank.
8. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.
9. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

James Kyte, FA, began with an apology for not getting back to them from the phone call they left, but he has been away. Mr. Kyte asked if the storm water management pond would be used for dry hydrant system. Mr. Keefer stated that is what they are thinking now. Mr. Kyte continued by asking if the pond is stream fed and does it maintain a constant level? Mr. Keefer stated they need to investigate. Kyte stated they cannot take water up 300 feet in elevation. Mr. Keefer asked which fire department would handle this project. Kyte stated that it is Rising Sun and would be Chief Ewing this year. Everything else looks fine.

Mr. King, SHA had no comment. Ms. Latham, MDE stated a GAP will be required. Mr. Moore, CCDEH read the comments of the Health Department. See Attached. Mr. Moore asked if there is an easement for the power line. Mr. Keefer stated he does not know and he thinks it was not in the boundary line survey. Mr. Di Giacomo stated that if there is an easement, it must be shown on the plat.

Mr. Di Giacomo stated no comments were received from ACOE. This proposal is in compliance with §3.8. With regard to the posting of plats on the County's website, notice

is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is RR. The Concept Plat proposing 19 lots on 54.21 acres, for a proposed density of 1/2.86, was approved on 9/19/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) A sensitive species survey being completed prior to the TAC's review of the Preliminary Plat; and
- 4) Emergency response issues being resolved prior to the Planning Commission's review of the Preliminary Plat.

The Concept Plat's project area consisted of Lots 6 and 18 in the Summit subdivision, which was part of the Connelly Farm's Parcel 2. The net effect of the John M. Connelly Farm density approval was that Parcel 1 had potential for recorded 62 lots, and Parcel 2 had 42. Parcel 1 now has 45 and Parcel 2 has 26, including Lots 6 and 18 in Summit. Thus, the remaining potential number of lots is 17 and 16, respectively.

The Concept Plat's 1 additional proposed lot (19) on Parcel 1, and Parcel 2's 2 existing plus 16 new proposed lots were consistent with the Connelly Farm's approved density. If approved, Parcel 1 would have remaining potential for 16 lots; Parcel 2's would then be exhausted. A note to that effect will be recommended for the Final and Record Plats. In addition, a note to the effect that there can be no further subdivision of the Parcel 2 portion of proposed Lot 19 will also be recommended for the Final and Record Plats for all phases.

Inasmuch as what is proposed is the resubdivision of 2 lots in Summit, that name has been referenced in the title block. Because 1) there are precedents for doing so, 2) there is currently no Summit HOA or common open space, and 3) because common open space and an HOA for these lots will be required, the use of the Ridgeview name was permitted.

The plat indicates that the boundary line survey has been completed. This Phase 1 Preliminary Plat proposes 14 lots, and is generally consistent with the approved Concept Plat, though lot numbers have changed. However, §4.1.22 (r) requires that Preliminary plats incorporate tables that include the total number of lots, area of lots, density, total area and right-of-way, etc. The Lot Area Table is inadequate. The Lot Area Table indicates that proposed Lot 4 is less than 20,000ft², which cannot be approved.

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. Has the JD been completed? Mr. Keefer stated that as he mentioned in opening, it is scheduled for 1/12/06. It must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. The required sensitive species survey was submitted this morning and has not been reviewed. Mr. Di Giacomo admonished applicants for not presenting the report more timely. Mr. Keefer apologized for being tardy in sending the report, however, he did not receive it until just after midnight on 1/4/06.

15% common open space is required; 31% is proposed for Phase 1. 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 do not appear on the plat. No landscaping of the development envelope is required in the RR zone. Sidewalks are not recommended. Bufferyard Standard C is required, outside the right-of-way, along the road frontage on New Bridge 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.

The FSD was approved on 9/16/05. The Natural Heritage Letter indicates that six rare species (Goldenseal, Harebell, Hitchcock's Sedge, Trailing Stitchwort, Butternut, and Large-seeded Forget-me-not) are known to occur in the vicinity. Therefore, a sensitive species survey was required to be conducted prior to the TAC's review of the Preliminary Plat and again, that was presented this morning. The Preliminary Forest Conservation Plan (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. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names have been approved. Access to common open space between lots must be marked with concrete monuments. A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

3. Frenchtown, LLC, Concept Sketch, U.S. Route 40/Coudon Blvd., McCrone, Courtesy Review for the town of Perryville, Seventh Election District

David Strauss, McCrone, Inc., and Tom Kent, representative for the developer appeared to present the project. Mr. Strauss gave an overview of the project which is at the site of the existing Colonial Honda Used Car location, Route 40 and Coudon Blvd. Proposed is a fast food restaurant on the site with a drive through lane. There are currently three existing site access points to Route 40. We are proposing to reduce that to two access points and we have no access rights at this point to Coudon Blvd. The site is approximately 1.5 acres and is zoned C2 in the town of Perryville.

Mr. Graham, Citizen's Representative, had no comment. Mr. Markwardt, CCBoE, had no comment.

Mr. Brown, SCS, presented copies of soils report to applicant and stated the proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided as well as checklists for the sedimentation control plan.

Mr. Orr read the comments of the DPW. A SWM plan and Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Onsite storm drainage and site stabilization shall be included within the stormwater management plan and monetary surety, unless explicitly waived by the Town from stormwater management jurisdiction. Cecil County DPW is currently under agreement with the town to enact and enforce the County Stormwater Management Code within the town limits. A SHA access permit is required.

The following standard notes and requirements apply to this project:

- 1.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 1.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 1.3 Requirements for Stormwater Inspection and Maintenance Agreements

Notes and requirements identified for record:

1. The Final Plat (and/or site plan) must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat/Site Plan: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. Orr had one additional question wondering if the 18' wide access lane widths meet the town code. Applicants responded that they do meet the town code for one way traffic and the angled parking.

Mr. Kyte, FA, stated that since it is town water, my only comment is for you to work with the local fire department for the placement of hydrants.

Mr. King, SHA, stated that a permit from SHA will be needed for access and we will allow one right in and one right out. Curb and gutter will be required for the entire frontage. Storm drain plans and comps need to be submitted for review. Any additional right of way needed must be deeded in fee simple to the State Highway Department.

Ms. Latham, MDE had no comment. Mr. Moore, read Health Department comments. See attached. Mr. Di Giacomo stated no comments were received from ACOE.

Mr. Di Giacomo reported that 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 Town Zoning is C2. 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 pedestrian safety from and back to the parking areas to south and west of the restaurant. The vehicle/pedestrian circulation plan should also address reducing potential vehicle-vehicle conflicts, MUTCD signage/striping and/or design modification. Of concern is the potential conflict between incoming SB traffic to the west of the restaurant wanting to turn left conflicting with SB drive-through traffic wanting to turn right to exit. In addition, proposing two entrance/exit access points to US 40 only 175' apart creates obvious accell/decell safety conflicts. Very serious consideration should be given to a redesign that would incorporate either one access point or split entrance-only/exit-only access points. Also of concern are the proposed vehicle backing movements into oncoming traffic entering from US 40.

Will there be any bicycle or pedestrian access points? Strauss stated there are no sidewalks along Rt. 40 at this time.

It is recommended that the Site Plan reflect the fact that what has been referred to as US 222 in the vicinity map is actually MD 222.

It is recommended that the proposed use be verified as being consistent with the Town's Zoning Ordinance for the C2 zone. Note #8 indicates that a Special Exception will be required for a fast food restaurant use. It should be confirmed that the setbacks, floor area ratio, and building height 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 auto-oriented project will generate, it should be confirmed whether or not the Town's and SHA's regulations will require a Traffic Impact Study (TIS), or if its impacts were included in the Goldberg Property's 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.

It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works street code. It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations for the C2 zone.

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 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 final site plan. It is recommended that a JD be required, and, if necessary, any MDE/COA permits be obtained prior to site plan approval. There is no indication on this site plan for any signs and their location. The nature of the signs should be consistent with town code. Mr. King, SHA, added that a sidewalk will be required on RT. 40 for ADA compliance.

4. The Tradition, Lots 5-57, Preliminary Plat, MD Route 310/MD Route 342, McCrone, First Election District

Mike Burcham, McCrone, appeared for applicants and presented an overview of the project which is 53 lots on 427.33 acres located on the north side of Rt. 310 just east of St. Augustine Road.

Mr. Graham, Citizen's Representative, read a letter from James Mullin. See attached.

Mr. Di Giacomo stated that without agreeing or disagreeing with Mr. Mullin's comments, the Office of P&Z, SHA, DPW have been attending DelDot meetings on the 301 improvements; the County and the State are both monitoring the situation closely.

Mr. Markwardt said there will be no interior bus service. Bus service will be provided on Cayate's Corner Road at the two entrances that are marked as Heritage Drive and Eagle Terrace Drive. Mr. Markwardt asked what the size and price of the homes are. Mr. Burcham stated that he is pinch hitting for the project manager that took this plan through the concept plat stage, but he would say that it would be the same as at Concept stage.

Mr. Brown presented copies of soils report to the applicant and stated the proposed project will require an erosion and sedimentation control plan be submitted to the Soil Conservation District for review and approval. We suggest your engineer contact us to agree on design concepts before commencing. Soils maps and reports on soil limitations for development are provided as well as checklists for the sedimentation control plan. Be sure to review soil limitations as some areas of the site are very limited for their use.

Mr. Orr said 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 divided entrance lane widths must be no less than 14' in width. If the islands are to be curbed, use 16' minimum lane widths along the island areas. The Cul-de-sac streets can be minor roads – we are unsure why collector road right-of-way and pavement widths proposed other than it is consistent with the Concept plat. Complete the match line on sheet 3, it is apparently incorrect by the redundant reference to sheet 3. The cul-de-sac pavement radii as shown are not approvable and must be shown consistent with the Cecil County standard detail R-14, which requires a 60' outer pavement edge radius within the cul-de-sac. Lane dividers and signage for the mini-traffic circles must be shown on the street construction drawings.

Where are the public drainage easements and drainage structures needed to handle the Heritage Drive cul-de-sac drainage? Large fill heights along Eagle Terrace require 4:1 fill slopes to avoid the need for non-traversable slope barriers. That comment is specific to the portion of Eagle Terrace between lots 32 and 30. We are uncertain of the purpose is the proposed swale east of minor subdivision lots 2&3. If that is not necessary once the engineering topography is shot, you can replace that with just a drainage easement across the down stream lot. The internal street grade leaving Maryland Route 310 may not exceed 5% within the limits of the intersection right-of-way. A Maryland State Highway Administration access permit is required. Lots 10, 14, 17, 22, 37, 44, 46 & 49 should access the cul-de-sac roads/courts and need to be denied access to the collector roads within the subdivision. Add a note indicating the same to the final plat.

If stormwater from the proposed development is to be directed across lot 4, which it appears to be so, show a private stormwater drainage easement across lot 4. If the proposed use of the lot 57 and/or common open space non-forested areas is agriculture, the applicant is reminded that per the 2000 Maryland Stormwater Design Manual, these onsite areas are part to the subdivision and must be modeled in their proposed conditions for determination of site Over bank Flood Protection Volume requirements. For areas not intended to be converted to meadow, this may translate to stormwater management requirements for active farming operations proposed on lot 57 or the common open space. The consulting engineer should thoroughly discuss this item with the applicant and the Department prior to preparing any site stormwater management designs. Is the site civil engineer aware of the MDE supervised remedial work proceeding on Tract II of Sycamore

Hall Farm for PCB contaminated soil? Mr. Burcham stated that he does not know the answer to that question. If the civil engineer is not aware – see the DPW for contact information with the engineer involved with the remediation. If so, continue your information sharing towards an approvable design. We will need an answer at some point and definitely prior to final plat whether or not the subdivision shown hereon are impacted by that remedial work or whether all that remedial work is located on what would be the remainder of Tract II.

The following standard notes and requirements apply to this plat and project:

- 12.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note
- 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 12.3 Requirements for Utility relocations
- 12.4 Requirements for Public Works Agreements
- 12.5 Requirements for Stormwater Inspection and Maintenance Agreements
- 12.6 Requirements for County Roads .
- 12.7 Requirements for Driveways.
- 12.8 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the private mini road, county road & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.

6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving MD Rte 310 may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways accessing a County Road must be paved at least to the right of way. If the mini-road is paved, this requirement will be expanded to the mini-road right-of-way. The driveway paving must be complete for all lots at the time when the surface course for the internal county roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the county roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving MD Rte 310 may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Kyte stated public works addressed the 10' roadways going in. Have plans been made for fire suppression system? Mr. Burcham stated none are shown on the preliminary plat. Mr. Kyte suggested a 30,000 gallon fire suppression tank be put in at the entrance plus at the St. Augustine Road going into Heritage Drive with a pull off right before lot 51.

Mr. King, SHA stated they will be necessary to submit the stormdrain plans and comps for hydraulic review and a permit will be necessary for access in accordance with our criteria. Tony Di Giacomo asked if SHA has completed their review of the TIS. Mr. King stated that they have completed the review.

Ms. Latham stated we have an application for a water appropriation permit, but we do not have Sycamore Hall Farm, LLC listed and it is not registered with the Department of Assessment and Taxation. Ms. Latham attempted to call the name on the application and did not get a response, but we need to get the name corrected so a package with the requirements can be sent out. Mr. Burcham will double check this and call Ms. Latham.

Mr. Moore, CCDEH read comments. See attached. Additionally, MDE has stated there is no contamination of sub-soil. What does the symbol at 236 mean? Mr. Burcham stated that this is proposed stormwater management pond.

Mr. Di Giacomo stated no comments were received from ACOE, and that this project was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County website, notice is

hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is SAR, which permits a maximum base density of 1 du/ 8 ac. The Concept Plat, proposing 53 lots on 427.3 acres, for a proposed bonus density of 1/8.06, was approved on 10/17/05, conditioned on:

- 1) A revised FSD being approved prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 4) The Bufferyard C requirements being waived in favor of a modified Bufferyard A as depicted along the Cayate's Corner Road frontage;
- 5) Bufferyard C being required along the St. Augustine Road frontages;
- 6) A TIS being completed prior to the TAC's review of the Preliminary Plat; and
- 7) 100' BRLs being shown from the Cayate's Corner and St. Augustine Road frontages.

This Preliminary Plat is generally consistent with the approved Concept Plat. Parcels 5 and 27 are currently in MALPF districts. MALPF termination documentation must be recorded prior to the Planning Commission's review of the Final Plat. Has the boundary line survey been completed? Burcham responded that it has.

No steep slopes are indicated. 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. Burcham stated that he does not know the status but it will be done prior to going to Planning Commission.

No landscaping of the development envelope is required, and no sidewalks are recommended, in the SAR zone. 15% common open space is required; 25.13% is proposed. 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 original FSD was approved, but because of the add-ons, a revised FSD was required to be approved prior to the TAC's review of the Preliminary Plat. In its absence, staff cannot recommend approval should this proceed directly to the Planning Commission.

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. 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 Eagle Terrace and Heritage Drive have been approved. The others must be approved by the 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. A Traffic Impact Study (TIS) was required. It is currently under review;

it concluded, based upon 78 new lots, that all links and intersections would operate at peak hour LOS B or higher.

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. Are any mini-roads proposed? Burcham stated that Hulks Landing Drive is. If so, then a Mini-road Maintenance 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.

Proposed Lots 2, 3, & 4 must be approved via the Minor Subdivision process prior to this proposal's Final Plat review by the Planning Commission. 100' BRLs have been shown from St. Augustine Road. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

5. Stoney Brook Knoll, Lots 1-40, Preliminary Plat, Liberty Grove Road, McCrone, Sixth Election District

Mike Burcham, McCrone, Inc. and Steve Balderston, representative of developer, appeared to provide an overview of the project. The property is located on the east side of Liberty Grove Road and consists of 120.29 acres. We have 40 lots on this plan. One lot has been eliminated since it was approved as a Concept plan because of the acreage due to the boundary survey. Road Code variances will be required for the intermediate cul-de-sacs shown between lots 5 & 6.

Mr. Graham had no comment. Mr. Markwardt stated that at this time no interior bus service will be provided and perhaps they should look at a bus shelter. Mr. Markwardt ask for the size and price of the homes. Applicants responded that the size will be 3000 to 4000 sf with a price in the low \$400s. They will start at the end of 2006.

Mr. Brown presented copies of soils report to the applicant and stated the proposed project will require an erosion and sedimentation control plan be submitted to the Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided as well as checklists for the sedimentation control plan. Be sure to review soil limitations as some areas of the site are very limited for their use.

Mr. Orr reported 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 Deceleration lane and offsite road improvements under Road Code Section 3.07.15 to the south of the proposed Liberty Grove Road access location must accommodate and be extended to join the Liberty Grove Road improvements designed for the Murphy's Run subdivision. New intersection/entrance signage will be required along Liberty Grove Road. Extend the public closed storm drainage system outfalls between lots 34&35, 2&4,

and 15&16 to stone outfall protections located beyond the rear yard and lot building envelopes. All common open space drainage swales, ditches, and constructed runoff conveyances designed for stormwater management shall be located within a private stormwater management and access easement, which must be shown on the final plat.

Show a private easement and dedication note for the fire company draft tank. Any stormwater management facilities discharging to the Basin Run watershed shall be designed to meet Stream class III and IV standards in the 2000 Maryland Stormwater Design Manual (specifically addresses thermal impacts). Label and connect the private stormwater management and stormwater management outfall easements across lot 3 and the common open space to the stormwater management and access and easement inside the common open space.

The following standard notes and requirements apply to this plat and project:

- 8.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
- 8.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 8.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 8.4 Requirements for Utility relocations.
- 8.5 Requirements for Public Works Agreements.
- 8.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 8.7 Requirements for Stopping Sight Distance measurements.
- 8.8 Requirements for County Roads .
- 8.9 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Liberty Grove Road be upgraded to a Minor Collector Road standard for 100' either side of the

proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. Applicant must provide stopping sight distance measurements for the Liberty Grove Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank.
8. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.
9. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Kyte asked if the roadway going in is 18' wide. Mr. Burcham responded that it is 20' and will have a 5' gravel shoulder. Kyte asked that they get with local fire department on placement of fire suppression tank and asked that the radius be wider for turning on the road where it circles and comes back into a T.

Mr. King had no comment. Ms. Latham stated that a GAP will be required. Mr. Moore, CCDEH read comments. See attached. No comments were received from ACOE.

Mr. Di Giacomo reported this proposal was in compliance with §3.8 regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is NAR. The Concept Plat, proposing 41 lots on 124.5 acres, was approved at the bonus density of 1/3.03 on 6/20/05, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 3) A Traffic Impact Study being completed prior to Preliminary Plat review by the TAC.

This Preliminary Plat is generally consistent with the approved Concept Plat, except that it proposes only 40 lots on only 120.29 acres, at a density of 1/3.01. The large lot, Lot 3, and

the common open space consist of 60.01% of the total acreage. Bonus density eligibility has been maintained. It has already been stated that the change in acreage and change in lots is the result of the boundary line survey. This slightly revised design includes 3 panhandle lots.

Some proposed lots are depicted 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. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Has the JD been completed? Mr. Burcham stated that he thinks it has. It must be done prior to preliminary plat review by the Planning Commission. There are no habitats of rare, threatened, and endangered species on site. 15% common open space is required; 51.59% is proposed. The proposed large lot (3) consists of 8.47% of the total acreage, and together with the common open space yields 60.1% of the total acreage. 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 Liberty Grove Road frontages.

The FSD was approved on 6/17/05. The tree line shown on the Preliminary Plat does not match that shown on the FSD. What accounts for that discrepancy? Mr. Burcham stated that he does not know and they will make sure those match when they submit to Planning Commission. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Chestnut Ridge Drive. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. 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 proposed Chestnut Ridge Drive road name was previously approved. Walnut Crest Circle has been eliminated from this design in favor of proposed Lots 17 & 18 being reconfigured as panhandle lots. The TIS was submitted only yesterday. Therefore, there has not been adequate time for thorough review or full distribution. 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.

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

Mr. Di Giacomo called a short recess at 11:05; the meeting was reconvened at 11:15 a.m.

6. Louise, Lots 1-49, Concept Plat, Dr. Jack Rd./Waibel Road, McCrone, Seventh Election District

H. Barry Montgomery and Mike Burcham appeared. Mr. Montgomery gave a brief overview of the project. It is a wooded tract of ground which is 134 acres. We are asking for 49 lots which is a bonus density situation.

Mr. Graham read a letter from Nicholas Barnes indicating concerns about the proximity of this project to the land fill. It was also noted that the sign was not placed properly for this project.

Mr. Markwardt stated that bus service will be at Dr. Jack and Candace. Interior bus service may be provided, depending on the status of the bridge on Herbie's curve and the split of the two elementary schools. He asked about the size and value of the homes. Mr. Montgomery stated they will be 3 bedroom houses, unknown as to values in 3-5 years, maybe 300 to 400 and it is currently taking 3-4 years to get to that point in the process.

Mr. Brown presented copies of soils report to the applicant and stated the proposed project will require an erosion and sedimentation control plan be submitted to the Soil Conservation District for review and approval. We suggest your engineer contact us to agree on design concepts before commencing. Soils maps and reports on soil limitations for development are provided as well as checklists for the sedimentation control plan. Be sure to review soil limitations as some areas of the site are very limited for their use.

Mr. Orr 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. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The street centerline geometry for the new Doctor Jack Road intersection must meet Road Code Section 3.07.4 criteria. Revise for a right angle intersection. There is a slight revision to the southwestern section of Candace Drive. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Storm drainage easements must be separated from private stormwater management and access easements. Identify the existing gas transmission line and its owner on the preliminary and final plats. Applicant must confirm Susquehanna Transmission Company of Maryland's right-of-way and easement dedication conditions for construction of the internal county road (Herbies Curve) as well as the Susquehanna Transmission Company of Maryland's approval for the Developer to construct and the County to own a public road over the transmission company right-of-way before final plat submittal to the planning commission. It is recommended that the Applicant obtain this information prior to preliminary plat approval by the planning commission, so as to avoid any costly site re-design that might be necessitated by a refusal from the transmission company.

The following standard notes and requirements apply to this plat and project:

- 6.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 6.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.

- 6.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 6.4 Requirements for Utility relocations.
- 6.5 Requirements for Public Works Agreements.
- 6.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 6.7 Requirements for County Roads .
- 6.8 Requirements for Driveways.
- 6.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Doctor Jack Road be upgraded to a Minor Collector Road standard and that Waibel Road be upgraded to a Minor Road standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. This also applies to the intersection R.O.W. dedication at Doctor Jack and Waibel Roads. The internal street grade leaving Doctor Jack and Waibel Roads may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal

roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Applicant must provide stopping sight distance measurements for the Doctor Jack and Waibel Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Kyte asked if they are planning any water supply for fire suppression and asked that they consider a 30,000 gallon fire suppression tank. Mr. King had no comment. Ms. Latham said a GAP requiring public notice will be required. Mr. Moore's CCDEH comments are attached. Mr. Di Giacomo stated no comments were received from ACOE.

Mr. Di Giacomo stated an email was received from Mr. Rosetti and it will be made a part of the file. Mr. Graham read the email regarding concerns with the project and how it will affect the ecology of the area, sediment laden run off and additional gaps in the wooded area. See attached. Mr. Montgomery stated he wanted to comment about Mr. Rosetti's email and that they had dealt with his comments in the design of the project. They are trying to protect the wooded area and not change the look along the road. We are trying to deal with everything he is addressing and want to take down as few trees as necessary. We also have a plat we were playing with under standard density and 4 mini roads and open the project to 4 tracts which would open it to having a lot of the woods cleared. That is why we went with this design, to prevent clearing of the wooded area.

Mr. Di Giacomo said that this proposal was in compliance with regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 44 major subdivision lots on 134.5 acres, for a proposed bonus density of 1/3.06. In addition, this project invokes §2.4.1 to add 5 minor subdivision lots, for a total of 49 lots. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. 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 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; 21.34% is proposed. The proposed large lot, lot 12, consists of 38.44% of the total acreage. The proposed large lot and COS constitute only 59.78% of the acreage, barring this proposal from bonus density eligibility. No landscaping of the development envelope or sidewalks are required. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Doctor Jack and Waibel 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. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The FSD must be approved prior to Planning Commission review of the Concept Plat. 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. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The internal road names have been approved by the County 911 Emergency Center. Common open space access between and beside 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. Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD will be required prior to the Planning Commission's review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of 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. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

7. Montgomery Oaks, Section 1, Phase II, Lot 47, Preliminary/Final Resubdivision, Pine Cone Drive, McCrone, Fifth Election District

H. Barry Montgomery and Mike Burcham appeared and Mr. Montgomery provided an overview of the project.

Daniel Graham had no comment. Mr. Markwardt had no comment.

Mr. Brown presented copies of soils report to the applicant and stated the proposed project will require an erosion and sedimentation control plan be submitted to the Soil Conservation District for review and approval. We suggest your engineer contact us to

agree on design concepts before commencing. Soils maps and reports on soil limitations for development are provided as well as checklists for the sedimentation control plan.

Mr. Orr reported that a SWM plan, Erosion & Sediment Control and Final & Utility Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. Show the existing water and sewer mains, along with the proposed service locations on the Final Grading & Utility plan. That is for consolidation purposes. We would anticipate just one set of plans covering the water and sewer services as well as the final grading. Show and identify clear line-of-sight easement across property frontage for minimum stopping sight distance of 200'. Add a note for the easement that identifies that no obstructions blocking the clear line of sight along Pine Cone Drive are permitted within the clear line of sight easement. Site grading in the clear line of sight easement shall conform to the approved final grading plan(s) on file in the Cecil County Department of Public Works.

The following standard notes and requirements apply to this plat and project:

- 3.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 3.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 3.3 Requirements for Utility relocations.
- 3.4 Requirements for Driveways.
- 3.5 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal

roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

5. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Neither Mr. Kyte nor Mr. King, SHA had comments. Ms. Latham said a GAP is not required. Mr. Moore stated that he contacted the town of North East and they stated no water allocation was approved for the additional lot. See attached comments. No comments were received from ACOE.

Mr. Di Giacomo stated that this proposal was found to be in compliance with §3.8. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is DR. The Concept Plat was approved 9/21/92. The Preliminary Plat was approved 10/19/92. Since Preliminary Plat approval in 1992, a new Zoning Ordinance was adopted. This property, was zoned R2 in 1992, which permitted a density of 1 du/ 1 ac., or 4/1 in locations with community facilities, which is consistent the current DR zoning.

The Final Plat approval for Lots 1-9, 31-44, and 55-61 was approved on 9/20/93. Those 30 lots were recorded in November 1994. The Final Plat for Lot 30 was approved 6/17/96. Lot 30 was recorded in August 1996. Each time a Final Plat is recorded off an approved Preliminary Plat, it extends the Preliminary Plat approval for 2 years from the date of recordation (§4.1.17). On 7/20/98, the Planning Commission extended for one year the Preliminary Plat that was set to expire in August 1998. The Planning Commission again extended approval of the Preliminary Plat for 1 year on 6/21/99 (set to expire July 1999), conditioned on:

- 1) Health Department requirements being met, and
- 2) Department of Public Works requirements being met. Specifically, "as built" drawings of existing conditions relative to stormwater management being submitted to the Department of Public Works, and the Department of Public Works approving those "as built" drawings and the necessary site improvements being accomplished prior to any further extensions of Preliminary Plat approval being granted or any Final Plat being approved.

Lot 54 was approved on 15/15/00. It was signed on 10/4/00. That kept the Preliminary Plat valid until 10/4/02. The Record Plat for Lots 23-28, 49-50, and 51-53 were signed on 3/21/02, thus keeping the 6/21/99 Preliminary Plat extension valid until 3/21/04. The Lot 45 Record Plat was signed 3/19/04, extending Preliminary Plat validity until 3/19/06. The Record Plat for Lots 10-22 and 46-48 was signed on 7/29/04, thus extending Preliminary Plat validity until 7/29/06.

This resubdivision proposal seeks to amend the Record Plat for Lots 10-22 and 46-48 by creating two lots from Lot 47: 47A and 47B. This Preliminary-Final Plat proposal is generally consistent with the approved Concept and Preliminary Plats for Montgomery

Oaks, Section 1, Lots 1-61, and the Lots 10-22 and 46-48 Final Plat. Why weren't these lots created originally? What other originally-proposed lot would 47B replace, and wouldn't that require a revised Preliminary Plat? ? You have already answered this question.

These lots are part of the approved Preliminary Plat that provides for 43% open space. The FSD, FCP, and Landscape Plan were previously approved. Neither the FCP nor the Landscape Plan show lots 47A or 47B. Consequently, a revised FCP and Landscape Plan must be approved prior to recordation. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. The Landscape Agreement for street trees was previously executed. Sidewalks are required.

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 owner(s) of these lots must become a member of the Homeowners' Association which was established for maintenance of common open space, with \$50 for this lot placed in escrow prior to recordation, for improvements. The HOA document may need revision to accommodate lots 47A and 47B.

The Town of North East must verify the Water Allocation. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Montgomery stated that they will come back with a preliminary plat and keep extending.

Respectfully Submitted,

Kathleen O'Connell

Cecil County Technical Advisory Committee (TAC)
February 1, 2006 9 a.m., Minutes

Present: Tony Di Giacomo (CCP&Z), Fred Orr (CCDPW), Joe Moore (DEH), James Kyte (FA), Cynthia Latham (MDE), Butch King (SHA), Bob Markwardt (CCBoE), Chris Brown (SCS), Daniel Graham (Citizen's Representative), Kathleen O'Connell (CCP&Z).

Absent: Philip Cwiek (USACoE), James Reynolds (Del Marva Power)

Mr. Di Giacomo called the meeting to order at 9:05 a.m.

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

Parley Hess, McBride and Ziegler, appeared and provided an overview of the project. We were here earlier with a Revised Preliminary Plat for this site and received comments. Based on those comments, we made revisions to the plan and responded to both Planning and Public Works. Because of the extent of the changes, we thought it best to come back to TAC with the plan and represent it for comments before going to the Planning Commission. There were no major changes to the plan. The significant changes that you see is the location of the stream crossing which is the result of discussions with MDE and some modifications to the configuration of the townhouse development as a result of a more accurate topographic information and the location of the flood plain.

Daniel Graham, Citizen's Representative, had no comments.

Bob Markwardt, CCBoE, asked if West Creek Village Drive is scheduled to be a county approved road. Mr. Hess responded it is scheduled to be a county approved road from Fletchwood Rd. down to a point short of the bridge and will be private across the bridge and in through the apartment complex itself. Mr. Markwardt continued that at some point in time, depending on the number of students, we may have to move in off of Fletchwood Road onto West Creek Village Drive and I see that there is a turnaround spot prior to the bridge. We would use West Creek Village Drive as the primary entrance. From other side, it would appear that people that live in the apartments would wind up having to get bus service at West Creek Village and Willow Drive. Mr. Markwardt asked for the square footage of the townhomes. Mr. Hess responded that he does not know. Mr. Markwardt asked when they anticipated starting the project and Mr. Hess stated this spring with the first phase.

Chris Brown, SCS, stated that the project will require an erosion and sedimentation control plan be submitted to the SCS District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. All Environmental Impact reports must be submitted with the E&S Plan. Soils Data is missing GnB2 (Glenville Silt Loam 3% to 8% slopes). Soil EmA (Elkton Silt Loam 0% to 2% slopes) is a hydric soil which consists of a large amount of the site. Site Data #19 has a misspelling.

Fred Orr, DPW, stated a Road & Storm Drain plan, Sanitary Sewer Infrastructure plan, Water Distribution plan, Stormwater Management Plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The ability of the existing water distribution system, together with the proposed service extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View – Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC and dated October 2004, with subsequent revisions. The applicant, at their cost, is responsible to engage a Maryland Registered Professional Engineer to update this report. We had to do some searching through our files with our recent reorganization, but that is now available from our office in visual format. Whatever the result of that analysis is, I was just discussing with the Fire Association representative, Mr. Kyte, whether or not there would be a requirement to loop the water system here. I'd say at this point this is dependent on the report analysis. We are also concerned about what the minimum diameter of the water main size is in the apartment complex. In summary, if the analysis bears out that certain improvements would have to be done through the water distribution system to provide the minimum adequate fire flow pressure, it would have to be done by the applicant at the applicant's cost.

Public utility connection fees and a benefit assessment for the Meadowview wastewater treatment system upgrades will be applicable to each building permit sought, on an ELU basis. Additionally, the applicant's engineer must verify, by an engineering analysis based upon as-built survey information, peak flow capacity in the receiving sections of gravity sewer downstream from the site and leading to the WWTP. The public Pumping Station must have fee simple access to a county or state road right-of-way, and a lot boundary must be shown – i.e., the public SPS site will not be on open space. Applicant is required to submit a conceptual gravity sewer and force main routing to the Department of Public Works for review prior to submitting a preliminary plat for planning commission. All private water & sewer infrastructure plans and design, including the pumping station, must be designed to County standards, per code, and shall be submitted for review. Any public gravity sewer collection main alignments outside of a County ROW must be ductile iron and designed and located in a utility easement of sufficient width and to allow access. Revise the gravity sewer alignment at the rear of townhome lot 76 to keep the manholes out of the 100-year floodplain.

A State Highway Access permit is required for the West Creek Village Drive entrance off MD Rte 277. Any applicable Road Code or Water & Sewer Standard Specification Variances must be requested prior to submittal for Preliminary Plat approval. Applicant must identify that the horizontal curvature geometry shown meets Section 3.04.1 of the Road Code in regards to sight lines remaining within the right-of-way or revise the same for compliance with the Road Code (this is a layout issue). At this time, the horizontal geometry shown for Spicebush Circle and Azalea Circle does not meet the codified requirements and cannot be approved. Additionally, the West Creek Village Drive turnaround, and road width east of Azalea Circle do not meet the applicable Road Code standards and are not approvable as shown.

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. Any and/or all structures

(i.e. dwellings, outbuildings, driveways, etc.) on down-gradient properties so impacted must be identified on the SWM Plans. The structural SWM BMP's required for this site must be located within a stormwater management easement. Fee simple access should be provided, separate from public drainage and utility easements, to all stormwater management facilities. The combined width of any adjacent public drainage and private stormwater access easements should not be less than 30 feet. For the apartments site, the access easement for stormwater maintenance and inspection must include the facility and the access from a public roadway. Permanent or temporary stormwater management facilities are not permitted within a perennial stream buffer by code. One of the stormwater management facilities is at least partially shown within the buffer and cannot be approved.

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. The storm drain outfall west of lot 77 discharges without stormwater management. Revise the same for anticipated stormwater management requirements. Identify the Meadowview WWTP shown adjacent to the site. Add a note to the plat disclosing the adjacent use as a WWTP and identify to future residents and homeowners that the adjacent property's use as a WWTP does constitute a potential for odor and noise from processes associated with the WWTP.

Pre-design geotechnical evaluation and borings along the proposed road perennial stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement. Additionally, the stream crossing structure must be approved as part of the private road system approval, which must meet County Road Code criteria, passing the 25 year storm without overtopping. A re-mapping of the 100- year flood plain onsite and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design. The Department recommends that the applicant's engineering and management personnel conduct a pre-design meeting with the Department before beginning the site infrastructure design. A pre-design meeting is required for the sanitary sewer pumping station designs.

Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.

Preliminary plats are to be signed and sealed by the registered engineer and/or surveyor.

The following standard notes and requirements apply to this plat and project:

- 18.1* The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 18.2* Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 18.3* Requirements for Utility relocations.
- 18.4* Requirements for Public Works Agreements
- 18.5* Requirements for Stormwater Inspection and Maintenance Agreements.
- 18.6* Requirements for Final Plat - Public Sewer Allocation.
- 18.7* Requirements for Sewer Service Cleanouts – Location.

18.8 Requirements for County Roads .

18.9 Requirements for Driveways.

18.10 Townhome Parking Areas & H.O.A. Maintenance Easement Notes.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
 - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the street & storm drainage construction and the public & private sanitary sewer and water system construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. Developer must request and obtain a public sewer and water allocation from the Department of Public Works before submitting a final plat for approval.
7. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
8. The internal street grade leaving Fletchwood Road may not exceed 5% within the limits of the intersection right-of-way.
9. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each

phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

10. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

James Kyte, FA, stated DPW addressed most of the issues. Regarding fire hydrant placement, you might have to add an additional one as you begin Azalea Circle because it is roughly 600' apart and the minimum is 500' for hydrants usually. Singerly will be the local fire company.

Butch King, SHA, stated will need permit for access onto 277. See attached comments. Mr. King suggested getting the plans in as soon as possible.

Cynthia Latham, MDE, asked if they are trying to hook up to Highlands Meadowview. Applicant responded yes.

Joe Moore, CCDEH, read comments. See attached.

USACoE commented in writing that Department of the Army (DA) authorization is required for the proposal. Impacts to nontidal wetlands and other waters of the United States should be avoided/minimized by utilizing bridges/spanning structures over streams and directionally drilling utility lines under nontidal wetlands and streams.

Mr. Di Giacomo stated that upon inspection, this proposal is in compliance with §3.8 of the Subdivision regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is RM, which permits a maximum density of 12 du's/acre for townhouses and 16/1 for apartments or condos, with community facilities. The original West Creek Village Apts. Concept Plat was approved on 7/15/91. The Preliminary Plat was approved on 2/18/92 and 12/21/91; and the Final Plat was approved on 11/21/94. The Record Plat was signed on 2/23/95 (and revised on 6/4/96 and 12/13/00).

Subsequently, a Concept Plat for Section II and a portion of Section I, under the name Hardy Realty, was reviewed by the TAC on 9/4/02 and by the Planning Commission on 9/16/02 and 10/21/02. It was approved on 10/21/02 at a density of 7.4/1, conditioned on:

- 1) A Traffic Impact Study being complete prior to the TAC review of the Preliminary Plat;
- 2) The Traffic Impact Study's scope of work including a needs assessment of, and possible feasibility study for, an alternative additional point of access;
- 3) A Jurisdictional Determination being done prior to the Planning Commission's review of the Preliminary Plat;

- 4) The internal road names being approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the Preliminary Plat;
- 5) The open space sensitive area acreages being provided prior to the TAC review of the Preliminary Plat; and
- 6) Waiver of the stream buffer expansion in the Development District contingent upon satisfactory quantitative demonstration of water protection equivalent to the requirements of the Zoning Ordinance.

A revised W. Creek Village Apts. Concept Plat was approved on 1/22/04, conditioned on:

- 1) A Traffic Impact Study being complete prior to the TAC review of the Preliminary Plat;
- 2) A Jurisdictional Determination being done prior to the Planning Commission's review of the Preliminary Plat;
- 3) The internal road names being approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the Preliminary Plat;
- 4) The open space sensitive area acreages being provided prior to the TAC review of the Preliminary Plat;
- 5) Waiver of the stream buffer expansion in the Development District;
- 6) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
- 7) The depicted R-1 zoning being corrected on the Preliminary Plat;
- 8) A boundary line survey for density calculation purposes being complete prior to Preliminary Plat review;
- 9) All proposed Phase III structures being labeled or numbered on the preliminary Plat, for easier reference; and
- 10) If not done already, the elevations from the West Brach flood study being included on the Preliminary Plat.

The Preliminary Plat was approved on 6/21/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All internal road names being approved by the County's 911 Emergency Management Agency prior to Final Plat review;
- 4) The Cornus Court/Marsh Lane intersections with West Creek Village Drive being redesigned to achieve at least the required 125' centerline-to-centerline separation;
- 5) Approval of the waiver of the stream buffer expansion in the Development District;
- 6) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
- 7) All required Variances being obtained prior to Final Plat review;
- 8) Verification of water and sewer allocation being received for each phase and/or section prior to the Planning Commission's review its respective Final Plat;
- 9) The Final Plat(s) for Section II being drawn precisely to scale and including detailed area tables;
- 10) Easements being provided in the town house areas to facilitate access to the rears of those town houses; and

- 11) The specifics of active recreation amenities being included with the Final Plat submissions and those improvements being included in the Public Works Agreement.

Since the approved Preliminary Plat remains valid (until 6/21/06), this plat must be considered, and has been labeled, a "Revised Preliminary Plat." This revised Preliminary Plat, now under the name "West Creek Village, Fletchwood Road," proposes a total of 904 dwelling units (234 already existing) on 83.90 acres. That is consistent with the Concept and Preliminary Plats, proposing 714 (234 already existing) apartments, at a density of 13/1; and 190 were townhouse units, at a proposed density of 6.5/1.

The major revision on this plat is the realignment of the proposed West Creek Village Drive farther to the east at the point of the stream crossing.

For Section II, the townhouse section, that roadway realignment has, in turn, resulted in more balance in the number of proposed town homes on either side of West Creek Village Drive, the shifting of all SWM areas to the west of West Creek Village Drive, and a simpler street layout with the elimination of Azalea Lane, Cornus Court, and Spicebush Court. All proposed internal road names have been approved.

For Section I, that revision has resulted in some changes that are inconsistent with the West Creek Village Apartments Record Plat that was signed on 2/23/95 and revised on 6/4/96 and 12/13/00, as well as the Concept Plat approved on 1/22/04, the Preliminary Plat approved on 6/21/04, and the revised Preliminary Plat submitted for the 8/3/05 TAC review, including:

- Buildings 14a and 14B have been shifted from Phase III to Phase II.
- 14A-1 and 14B-1 are new.
- 10-C is new.
- 11 has been shifted from Phase III to Phase II.
- 11A is new.
- 18A and 18B have been split into 2 buildings, now labeled 17A and 17B.
- 15 has been enlarged.
- 16's location has shifted to where garages were proposed.
- Those proposed garages are now located where 17 was proposed.
- 17 has been replaced by 17A and 17B, now proposed to be located to where 18A and 18B were proposed.
- 19 has been relabeled 18, in the same proposed location.
- And 20 has been relabeled 19, also in the same proposed location.

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. The Traffic Impact Study (TIS) has been submitted and 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 an acceptable level-of-service in the Development District. The Planning Commission will be looking for developer contribution to the cost of the improvements.

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. 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'. This could be labeled better as it is difficult to figure out where they are.

Note # 13 indicates an expanded stream buffer waiver is being sought. 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, and evidence was provided that this design would provide the same level of water quality or better, that waiver was granted by the Planning Commission with its 6/21/04 approval of the Preliminary Plat, which remains valid. In terms providing the same or better level of water quality, how would this new design affect that previous evidence and what documentation has been provided to support that position?

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 JD has been done. 20% open space – or 16.78 acres – is required in the RM zone. About 53% -- or 44.23 acres – are proposed. Common open space must be labeled. 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. Consideration should be given to again providing active recreational amenities in the areas of common open space. One proposed tot lot has been shown.

Sidewalks are recommended on both sides of all internal roads, as well as along Fletchwood Road – per a previous condition of approval. Fire hydrant final 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 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. Most proposed townhouses still do not have adequate alternative rear yard access. Some effort has been made in that regard for those proposed between West Creek Village Drive and Spicebush Circle, but access is proposed from the end of the block rather than via a common open space access strip between the townhouse clusters. There is no common open space easement for those folks to get to the back without going through the house.

Apartment buildings shall be set back at least 20' from all parking areas and internal roads (§29.4.h). Some of those proposed appear closer than 20'. A Variance may be required

prior to Final Plat review. 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). Proposed Phase III apartment buildings 14A and 14B appear to be too close to the property line. A Variance may be required prior to Final Plat review. The maximum length of an apartment building is 300 feet (§29.4.j).

25% landscaping of the development envelope is required in the RM zone. 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 with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Note 6-C indicates "eliminated." On previous plats Note 6-C dealt with street trees. Please be advised that street trees are required. Without them, no Landscape Plan will be approved. In turn, no Final Plat will be approved in the absence of and approved Landscape plan. 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.

As required by §4.1.22 (r), an Area Table has again now been included on the plat. Some of the parking spaces are depicted partly on individual lots and partly on common open space. Those spaces should be located on one or the other, but not both. In addition, some parking spaces are depicted on 2 individual lots; that situation should also be avoided. §176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but they cannot be included in the open space total acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners' Association. In no case should a parking space on part of an individual lot and common open space, unless the HOA owns all the parking spaces in Section II.

The FSD for the Hardy Realty parcel was approved on 10/2/02. A revised FSD, expanded to include both p. 75 and p.316, was approved on 1/13/04. The Phase I area could be considered exempt under §3.2M, as has been noted in Note #15. 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 included in Note #15, covering the §3.2M exemption. The PFCP was approved on 4/8/04, but the details of the approved PFCP and this revised Preliminary Plat do not match up. Those details must be consistent between the FCP and any Final Plat(s). The FCP and Landscape Plan, including street trees, must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat. Access to common open space between lots must be marked with concrete monuments. Additional open space access between structures should be considered in the townhouse portion between clusters.

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 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. 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.

Applicant was reminded of the Monday noon deadline for review by PC in February.

2. Martin's Food Store @ Rising Sun Towne Center, Town of Rising Sun, Tentative Sketch Plan, J. Michael Brill & Associates, Inc., Courtesy Review

Doug Gosik, J Michael Brill & Associates, Inc. presented an overview of the project. The project depicts the assemblage of various properties west of the existing Rising Sun Town Center. That would be a piece of the Barry Montgomery property and the two Crieger tracts along with the residual vacant lands that are a part of the Rising Sun Town Center. We will assemble those properties and incorporate them into a single lot to include the existing center and construct a new Martin's Food Store to the west of the existing center.

Mr. Graham questioned 1st floor, 2nd floor, mezzanine and what would be on those floors. Applicant explained that the first floor will be primarily storage area, dock, staging area, refrigeration units and those type things; the second floor is generally some small space for offices for the store managers and a mechanical mezzanine in the back of the building.

Mr. Markwardt had no comment. Mr. Brown, SCS, stated that the proposed project will require an erosion and sedimentation control plan be submitted to the SCS District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. As per the Fast Track meeting on January 20th with Douglas S. Gosik PE, the slope in the back of the building must be pre-approved by the district before an erosion and sedimentation plan is submitted.

Mr. Orr, DPW, stated A SWM plan and Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Onsite stormdrainage and site stabilization shall be included within the stormwater management plan and monetary surety, unless explicitly waived by the Town from stormwater management jurisdiction. A SHA access permit is required. At the proposed MD. Rte 273 entrance, the Town and/or SHA should request the engineer investigate interconnection of the existing cross culvert system some 80' +/- to the west. An open channel diversion to an inlet south of the proposed Martin's Food Market sign location may be feasible once the existing Creiger's parking lot macadam is removed and re-graded. This issue requires coordination of the Town, State, and County review agencies by the engineer and should be resolved as early in the design process as possible to minimize the impact to site stormwater management design.

The following standard notes and requirements apply to this project:

- 1.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 1.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.

1.3 Requirements for Stormwater Inspection and Maintenance Agreements

Notes and requirements identified for record:

1. The Final Plat (and/or site plan) must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat/Site Plan:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.

This project does have fast track status. Mr. Kyte asked the applicant to meet with the chief of Rising Sun fire or Mr. Kyte regarding fire hydrant placement

Mr. King stated a TIS, including a signal warrant analysis, is needed to assess the impact on 273. Applicant would like to keep two signal lights. We need to see improvement plans for what you are going to do out on 273. See attached written comments.

Ms. Latham had no comment. Mr. Moore read comments. See attached. USACoE had no comment.

Mr. Di Giacomo stated that 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 commented as follows: The Town’s Zoning classification is CC. 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 and other design features are consistent with the Town’s Zoning Ordinance for the CC zone.

The Town of Rising Sun and Cecil County have not signed an “*Assigning obligations under the Forest Conservation Act.*” Agreement. 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 Site Plans, 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 site plan approval. It is recommended that a Landscape Agreement be executed prior to recordation.

It is recommended that adequate pedestrian facilities, including sidewalks and crosswalks, be included in the design. It is recommended that a neo-traditional design, that would place the food market structure closer to Main Street be considered. That could make the shopping more pedestrian friendly and less auto oriented, to better create an attractive and distinctive sense of place within the Town of Rising Sun. As currently proposed, pedestrian access from Main Street would be an uphill proposition in more ways than one.

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, especially with respect to access point offsets from access points on the opposite side of Main Street. 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 or floor area ratios are consistent with limits established in the Town’s Zoning Ordinance and Subdivision Regulations.

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. Consideration should be given to designing the parking lot so as to discourage cut through traffic between Main Street and Colonial Way. Such traffic is typically hurried and poses a potential threat to pedestrians and other vehicles. 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). SHA has stated a TIS will be required.

Fire hydrant/standpipe locations should be shown and should consistent with the Town’s Zoning Ordinance and Subdivision Regulations and/or recommendations by the Rising Sun Volunteer Fire Company.

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 development of Lot A. 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 and sewer allocation should be confirmed by the Town of Rising Sun prior to final approval.

3. The Estates at Woodcrest Shores, Mini-Road Concept Plat, 3 Lots, Oldfield Point Road, American Engineering and Surveying, Inc., Fifth Election District

Stanly Granger appeared and gave an overview of the project which is for a mini road subdivision with an existing lot of record and we are proposing two new lots for a total of three lots. Applicant attempted to access off of Ulrich Lane but the owner there was not in favor of that. Mr. Di Giacomo stated he had received a couple of calls and could attest to the fact that they are not in favor. Mr. Granger continued that there will be private wells and septic systems.

Mr. Graham stated he received a note from Mr. Whitesell, and his concern is the bank is fairly steep there where you are going to cut the driveway and he doesn't know if there is enough sight distance between Ulrich Lane and this Woodcrest Way to allow people to come out without causing a possible traffic problem. Also on that corner, there are apparently there are trees and he is afraid that to cut this through you will have to get rid of a lot of those trees and he would like you to leave as many trees as possible on that corner. Also, lot 3, will it be accessed off the cul-de-sac at the end of Woodcrest Way? Applicant responded yes.

Mr. Markwardt reported bus service would be at Woodcrest Way and obviously we would be concerned about site distance issues and being able to safely stop busses on Woodcrest Way. An alternative would be to provide a walking pathway to Ulrich Lane if the site distance was better there. We would need to give students a place to wait where they can be seen by the bus coming so if there is an embankment, you may need to cut that back a little more to give the students a place to stand without having to stand next to the road. Mr. Markwardt asked for the size and price of the homes anticipated and when the project would begin. Mr. Granger stated they would be over 2500 sf, nice houses, prices unknown, and with the start as soon as possible and in the spring if it is approved by then.

Mr. Brown said the proposed project will require an erosion and sedimentation control plan be submitted to the SCS District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. Revise General Note #7 as most of lot #3 and part of lot #2 is located within the Chesapeake Bay Critical Area.

Mr. Orr stated A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Is Parcel 8 in any way encumbered with maintenance of Ulrich Lane and has a full title search been done to clarify the same? Applicant responded he does not know if a title search has been done yet and as far as applicant knows, they cannot use Ulrich Lane. They maintain the

road over there and we offered to pay all of them to try to get them to let us join it and they said in no uncertain terms they would not let us and they were not interested no matter how much money we offered. Mr. Di Giacomo stated that if it is a mini road there are limitations on the number of lots, whether or not the other people are agreeable. The private mini-road right-of-way is shown larger than required along the tangent section. There is a minimum right of way allowable of 36 feet, so you can actually go down to that width if you are looking at setback issues with lot 1. Additionally, with the grades shown, the mini-road must be paved in accordance with Section 2.13.F of the Road Code. Lot 1 is to be denied access to Oldfield Point Road, with the driveway and culvert removed and relocated to access the private mini-road. Lots 2 & 3 are to be denied access to Ulrich Lane. A note is required to be added to the final plat indicating the denied access requirements. What is the anticipated concept for site stormwater management, especially for Woodcrest Way? The SRA for Lot 1 appears to prevent any detention or retention stormwater management facilities along the Oldfield Point Road right-of-way from meeting Health Dept. and State of Maryland offset requirements. Address how you intend to provide the required stormwater management for this drainage area. Applicant responded that at this point they have not looked at it in depth, but are planning on water quality but not on water quantity. Mr. Orr stated that if they find that they have to convert certain portions of that drainage area to a SW facility towards the rear of the property or in this case towards the north of the property, be aware of the re-direction wording in the code and be concerned with whether or not you would need to obtain a downstream easement for the re-direction. I think in the end, this is a concept. We will see this at preliminary and we will understand exactly where your septic reserve area will be and that will give us better information regarding the SW.

The following standard notes and requirements apply to this plat and project:

- 9.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note
- 9.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 9.3 Compliance with Section 3.07.15 of the Cecil County Road Code
- 9.4 Requirements for Utility relocations
- 9.5 Requirements for Public Works Agreements
- 9.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 9.7 Requirements for Private Mini Roads.
- 9.8 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - c. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - d. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or*

grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded to a Minor Collector Standard for a distance of 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the private mini road & storm drainage construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal Street grade leaving Oldfield Point Road may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. The mini-road entrance, within the county road right-of-way, must be paved in accordance with Section 2.13.F of the Road Code.
8. Applicant must provide stopping sight distance measurements for the Oldfield Point Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Kyte stated the only thing about mini roads is they are only 12 feet wide and I heard a discussion on tree line and I haven’t been down to view this but are you planning on cutting it back to allow equipment to get in? Applicant said it is not problem. We might clear out some of the trees in front to make the site distance better, but would leave most of the trees on that Lot 1 there. Mr. Kyte asked if there is a possibility of the road being 18’ wide to allow passage. Applicant stated more than likely it will be. Mr. Kyte continued and asked what the turn around distance will be for the cul-de-sac? We need up to 100 feet. We could work with 24 to 26.

Mr. King had no comment, and Ms. Latham stated no GAP needed. Mr. Moore read Health Department comments. See attached. USACoE had no comment.

Mr. Di Giacomo stated that upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file Submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is SR and LDA. The SR zone permits a density of 1 du/ac. This Concept Plat proposes 3 lots on 3.794 acres, for a proposed density of 1/1.265. Two of the proposed lots are in the Critical Area, as depicted on the plat. Note # 7 is incorrect and must be removed. The LDA overlay zone permits a density of up to 3.99/1 or the underlying density, whichever is the more restrictive. The Critical Area density must be calculated and shown on any plat submitted for Planning Commission review, per §4.0.13 (n) 8.

An Environmental Assessment must be completed prior to the TAC's review of the Preliminary Plat. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. 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 open space is required for 3 proposed lots, but 20% landscaping of the development envelope is required in the SR zone. Although sidewalks are recommended in the SR zone, none are recommended along mini-roads. In addition, sidewalks would add impervious cover to this parcel partially within the Critical Area.

Bufferyard Standard C is required, outside the right-of-way, along the Oldfield Point Road frontages. 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 FSD must be approved prior to Planning Commission review of the Concept Plat. 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.

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

The proposed mini-road name Woodcrest Way has been approved. Lots 2 and 3 should be denied access from Ulrich Lane. A Mini-road Maintenance 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.

4. Valley Stream, f/k/a Lakeside South, , f/k/a Lands of Montgomery Brothers, Inc., Preliminary Plat, 5 Dwelling Units, Razor Strap Road, R. J. Engineering Corp, Fifth Election District

Chris Burns, R.J. Engineering, and Tom Montgomery appeared and presented an overview of the project which is a five lot subdivision, zoning MH.

Mr. Graham stated on south side of Razor Strap Rd there is a gentleman there and according to the statement he gave was that when road is widened to 60 foot, it brings the road to within 5 ft of his house and he has a problem with that. Mr. Montgomery stated that they know he has a problem with that. Mr. Graham stated that he said you folks tried to get him to sign a record plat and he refused to do that. Mr. Montgomery stated that is correct. Mr. Graham stated we talked about Lot 8 before and Lot 8 size is only .16 acres and his thought is that possibly later on, if this is approved, it will be subdivided again to make all small lots. Mr. Graham stated that the road at the end where Wal Mart is, is not 60' wide and his question is why is it required to be 60 ft in this development. He also wants to know if there is a possibility that this will become a slum area.

Mr. Markwardt stated they have a concern about not having adequate entry from Razor Strap to Hwy 40 via Wells Camp for a school bus, so, consequently the furthest we go down Razor Strap Road currently from Red Toad is Northwoods. Our question is whether there is a methodology to provide access for the students to get to Northwoods. Mr. Montgomery stated he was not sure where Mr. Markwardt meant with Northwoods and Crystal Drive. This property is on the east side of Stoney Run Creek just down from Lakeside Drive and the State Police barracks. Mr. Markwardt stated students will have to walk up to Lakeside Drive to access bus service. Mr. Markwardt asked for the size and price of the homes anticipated and when the project would begin. Mr. Montgomery stated these would be double wide MH, 1800 ' average, 3 bedroom, and would like to begin in the summer of 2007.

Mr. Brown, said the proposed project will require an erosion and sedimentation control plan be submitted to the SCS District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided

Mr. Orr stated CCDPW understands that the Town of North East will own the water distribution system in this development. However, the plat indicates the Cecil County DPW will provide water to this development, which it will not. 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. All easements for the water lines must be reflected on the final plat. A SWM plan, Street & Storm Drain plan, Sanitary Sewer Plan and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The existing driveway for the lot now or formerly of Mr. Barton, will not meet the required 75' offset of Section 2.10 of the Cecil County Road Code, or the requirement to exclude access driveways from the minimum required acceleration and deceleration lanes. This may also apply to portions of minor subdivision 3188 also. How do you propose to address this design and code related issue, given that the Razor Strap Road entrance will not be approvable as shown? Tom Montgomery stated his brother had talked with Mr. Barton about the entrance and about possibly changing it around onto the new street at a later date. Mr. Orr stated that whatever the proposed solution to that is, please include those with your engineering submittals. They need to be reviewed by the plans reviewer as part of the entrance route approval.

No storm drainage system or drainage system easements are shown on this preliminary plat. As such, this plat does not meet the minimum preliminary plat information requirements set forth in the Cecil County Subdivision Regulations, specifically sections 4.1.22 (k,m,n, & p), and will not be acceptable for review until the required information is shown. Your Maryland registered surveyor must confirm the existence of the 60 right-of-way shown along Razor Strap Road with plat and/or deed references and indicate the owner. This information must be show correctly on any preliminary plat submitted for planning commission review. New intersection/entrance signage will be required along Razor Strap Road. The Lot 7 driveway shall not access the 'tee turn-around'. Future lots, beyond the five lots proposed by this preliminary plat, served by Crystal Waters Drive or otherwise accessing Razor Strap Road, may require the applicant at that time to upgrade Razor Strap Road. The required road widening dedication along lot 9's Razor Strap Road frontage must be labeled as to be dedicated in fee simple to the Board of County Commissioners for Cecil County and the 30' width measurement must be taken from the physical centerline of the roadway, which it does not appear to be.

PWA's will be required for all public infrastructure shown. The following standard notes and requirements apply to this plat and project:

- 11.1* The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 11.2* Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 11.3* Compliance with Section 3.07.15 of the Cecil County Road Code.
- 11.4* Requirements for Utility relocations.
- 11.5* Requirements for Public Works Agreements
- 11.6* Requirements for Stormwater Inspection and Maintenance Agreements.

- 11.7 Requirements for Final Plat - Public Sewer Allocation.
- 11.8 Requirements for Sewer Service Cleanouts – Location.
- 11.9 Requirements for County Roads .
- 11.10 Requirements for Driveways.
- 11.11 Requirements for Stopping Sight Distance measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”*
 - c. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Razor Strap Road must be upgraded to a Minor Collector Road Standard for a distance of 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the street & storm drainage construction and the public sanitary sewer construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. Developer must request and obtain a public sewer allocation from the Department of Public Works and a public water allocation from the Town of North East before submitting a final plat for approval.
8. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

9. The internal street grade leaving Razor Strap Road may not exceed 5% within the limits of the intersection right-of-way.
10. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
11. Applicant must provide stopping sight distance measurements for the Razor Strap Road access location to DPW prior to preliminary plat submittal. Mark the proposed access locations in the field by staking or flagging.

Mr. Kyte stated the fire hydrants location should be coordinated with local fire department. Regarding the tee turnaround, it is only 60' and that is okay for cars but not trucks. The average fire truck is 33' long and the average ladder truck is 40' so they will have a rough time. I know it's only 360' from the roadway back into it, but if you can get more turn around area in there, it would be nice.

Mr. King had no comment, and Ms. Latham, said it does not require a GAP. Mr. Moore read CCDEH comments. See attached. USACoE stated a DA authorization is not required.

Mr. Di Giacomo stated that upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is MH, which permits a base density of 2 du/ac., or 4/1 with community facilities. This Submission proposes 5 lots on 4.953 acres, for a proposed density of 1/0.9906. These proposed lots make up Lot 5 in Minor Subdivision # 3188. The Concept Plat was approved on 10/17/05, conditioned on:

- 1) Minor Subdivisions 1989, 2982, and 3188 being referenced on the plat;
- 2) Water and sewer service providers being named on the Preliminary Plat;
- 3) The Jurisdictional Determination (**JD**) being completed prior to Preliminary Plat review by the Planning Commission
- 4) The density being correctly stated on the Preliminary Plat submitted for TAC review; and
- 5) Evidence being provided that Montgomery Bros. owns the abandoned Baron Road, or the abandoned road being shown on the Preliminary Plat.

Has the boundary line survey been done? Applicant responded that it has been done. Mr. Di Giacomo stated they have not received any documentation of that.

Steep slopes have been shown on a portion of proposed Lot 9. 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. You will need you to be able to obtain the land to accommodate your accel, decel lanes, assuming they are approvable. Mr. Montgomery stated that he does not think they will be able to obtain the

property on the south side from Mr. Ayers. The two lots to the northwest are still owned by us, and he is not sure where they are with the other three lots to the east.

The 110' perennial stream buffer has been shown and 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'. Codorus soils are highly erodible, and, in the presence of steep slopes, why hasn't the stream buffer been expanded beyond 110'? Applicant was not aware of that. Mr. Di Giacomo stated this is something that will have to be done as well as the 100 year floodplain boundary.

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 the JD been completed? Applicant stated they had Phil Cwick out and have a letter from him which was submitted with the plan. I have a copy here if you would like to see it. It must be done prior to preliminary plat review by the Planning Commission. Rows of street trees with 10' planting easements are required, outside the right-of-way, along proposed Lot 9's Razor Strap Road frontage and both sides of the proposed 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. Sidewalks are recommended along at least one side of the proposed internal street.

Would this layout, if approved, preclude a possible reopening of Baron Road? Mr. Montgomery stated they have no intention to reopen Baron Road. They will only have one entrance road into the property. No open space is required for subdivisions involving fewer than 10 lots. 20 % landscaping of the gross site area is required in the MH zone.

An FSD for the minor subdivision was approved on 6/30/97. Per §5.1.E of the Forest Conservation Regulations, its validity expired on 6/30/02. A new FSD was approved on 10/11/05. 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. 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 1.2-acre FRA has been depicted on the plat.

The submission reviewed on 4/4/01 proposed private, individual wells and sewer service from the Cecil County Department of Public Works. That reviewed on 6/7/00 proposed water and sewer service from the Town and from the CCDPW, respectively. This site is classified as W1 and S1 by the Master Water and Sewer Plan. This Preliminary Plat proposes both water and sewer service to be provided by CCDPW.

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. Verification of water and sewer allocation must be received prior to the Planning Commission's review its Final Plat.

The previously proposed road name, Baron Drive, was disapproved. The new proposed road name, "Crystal Waters Drive," has been approved. It is unclear why approval signature blocks have been included on a Preliminary Plat; however, per §4.2.13 (b), the Final Plat's approval blocks shall be situated in the lower left hand corner of the plat. The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

5. Lands of Josephine M. Boettcher, Concept Plat, 22 Lots and Remaining Lands, Oldfield Point Road, KCI Technologies, Inc., Fifth Election District

Brian Morgan and Paul Gutmann, KCI Technologies, appeared to hear any comments. This is a project previously presented under other names and reviewed by TAC. We have made some significant density changes and reduction and some revisions in road alignments since then.

Mr. Graham had no comments. Mr. Markwardt stated bus service would be provided on Oldfield Point Road due to the short walking distance for anyone in that area. Mr. Markwardt asked for the size and price of the homes anticipated and when the project would begin. Mr. Morgan responded 3000 sf and up and price range not established. Anticipated start date has not been established, but would be 2007 at the earliest.

Mr. Brown reported that the project will require an erosion and sedimentation control plan be submitted to the SCS District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided.

Mr. Orr 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. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The right-of-way tapers for Meadowlark Spur do not meet codified requirements and are not approvable as shown. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Stormdrainage easements must be separated from private stormwater management and access easements. CCDPW understands that the street inter-connection with Meadowlark Spur is no longer anticipated by the Developer of Mank's Pond. Additional right-of-way dedication is required along Oldfield Point Road, which will precipitate a change in the bufferyard 'C' location. See public works for the right-of-way dedication required and how the same on the revised concept plat submitted for planning commission review. Label the right-of-way dedication as: 'Road right-of-way to be dedicated in fee simple to the Board of County Commissioners for Cecil County'.

The following standard notes and requirements apply to this plat and project:

- 6.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 6.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.

- 6.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 6.4 Requirements for Utility relocations.
- 6.5 Requirements for Public Works Agreements.
- 6.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 6.7 Requirements for County Roads .
- 6.8 Requirements for Driveways.
- 6.9 Requirements for Stopping Sight Distance Measurements,

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Oldfield Point Road be upgraded to a Minor Collector Road standard for 100’ either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Oldfield Point Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any

driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Applicant must provide stopping sight distance measurements for the Oldfield Point Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Di Giacomo verified that Mr. Orr stated the developer at Mank's Pond said Meadowlark spur is no longer part of their design. Mr. Orr stated yes, that in a predesign meeting conducted last year with the engineer and surveyor for the Mank's Pond Development, we were made aware of a conceptual change to the layout that does not include interconnection. Mr. Orr does not believe that has been formally submitted, therefore if this particular alignment is still proper and would be approved at Concept, I would recommend that this developer continue on with the spur because the other developer has not brought forth a revised design.

Mr. Kyte stated the roadway is 22' wide and asked if the houses will be next to road and will there be on street parking? Mr. Morgan stated that at a minimum in accordance with the 30' setback so they won't be up tight to the roadway. Mr. Kyte stated he knows there is a 30' setback, but how many cars can you get in a 30' area there? If you make it double wide you might be able to get four. If you have company and a 22' wide street and they start parking out on the street, you can't get back in and out and I would rather see a minimum 26' street. You did good job on cul-de-sac you have 120' going around it. Will there be wells and septic? Applicant stated this is correct. Mr. Kyte suggest fire suppression tank at the entrance of 30,000 gallons with a pull off near the SWM area. You must have some type fire protection for out in that area. Mendenhall Square has installed those up there which will help us on that one, but do you know your closest water? Applicant does not know. Mr. Kyte stated onsite water suppression tank really helps and will be a selling feature for the community, too.

Mr. King had no comments. Ms. Latham stated a GAP will be required. Mr. Moore read CCDEH comments. See attached. USACoE stated a DA authorization is required for the proposal. Impacts to nontidal wetlands should be avoided/minimized by constructing spanning structures over waters of the United States, utilizing existing crossings, reducing the number of proposed crossings.

Mr. Di Giacomo stated that upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is SR. A Concept Plat for the Lands of Josephine M. Boettcher was approved on 9/21/98 at a density of 1/2.65 (77 lots on 204.32 acres with 44.02 acres of common open space). Subsequently known as Forest Knoll, Section I (Lots 8-22, and 9.089 acres of common open space) received Final Plat approval on 1/18/00, and was signed on 5/4/00.

Forest Knoll Section II received Final Plat approval on 6/17/02, and the Record Plats were signed on 1/3/03 (Lots 23-32 & 47-53) and 12/9/03 (Lots 33-46). The original Boettcher Concept Plat, approved on 9/21/98, has expired; therefore, its potential density implications are moot. Although the original Boettcher Concept Plat's validity has now expired, the Section II recordations left a remaining common open space balance due of 27.516 acres. Since this Concept Plat for the remainder of the property now proposes 33.80 acres of common open space, the remaining common open space balance due issue is also moot – assuming approval by the Planning Commission.

The SR zone permits a maximum base density of 1 du/ 1 ac. This Concept Plat proposes 22 lots plus remaining lands and 33.80 acres of common open space on 128.15 acres, for a proposed density of 1/5.57. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. 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. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat. It is noted that the design includes three panhandle lots.

A minimum 20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on one side of all internal roads. Bufferyard Standard C is required, outside the right-of-way, along the road frontage 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 FSD was approved on 1/13/06. The PFCP must be approved prior to the Planning Commission's review of the Preliminary Plat. 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

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, unless the will be considered part of Forest Knoll and subsumed under its HOA. Any thoughts on what that will be at this point? Applicant responded unknown at this time. 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. Even though the remaining lands are not proposed to be developed at this time, the Critical Area designation and limits must be shown on the plat. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Moore stated he has two other comments. Based on the house locations on the northern side of the proposed road, due to topography they will need to be set back probably on a 50' rear setback line. Pumping is not allowed unless the soil conditions are only good on the upper side. The other is that there is a prelim plat with survey test holes. Do you have a copy of that? Applicant responded they do have a copy.

A five minute break was called by Mr. Di Giacomo.

6. Cinnamon Woods, Phase II, Preliminary Plat, 136 sites, Mount Zoar Rd/ School House Rd., Frederick Ward Associates, Eighth Election District

Ed Steer of Fredrick Ward and Sherman T. Hill, Principal, of Baltimore Communities, LLC appeared and provided an overview of the project. A total of 199 units are proposed in the second phase of an age restricted manufactured housing park in Conowingo up Mt. Zoar Road. There are 63 units there now and we are proposing 136 additional, plus a community center and some other active open space amenities. It is on private water and sewer plant and private roads.

Mr. Graham had no comments. Mr. Markwardt said bus service would be provided to two entrances of Mt. Zoar Rd. We would not enter back into the development. Mr. Steer stated it is an age restricted community. Mr. Markwardt asked about grandparents providing day care services to grandkids. Is it dedeed so that they cannot? Mr. Steer stated people under 18 not permitted to live in the community. Mr. Markwardt asked if grandparents could have a grandchild dropped off at 8:00 a.m. and would put him on the bus and then he comes back in the afternoon. Applicant agreed there could be a possibility of that. No further comments

Mr. Brown said the project will require an erosion and sedimentation control plan be submitted to the SCS District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. Check the soil labels as they are wrong in several areas.

Mr. Orr reported that CCDPW understands that the water treatment & distribution system and wastewater treatment & collection in this development will be privately owned and maintained. The Road Code and Water & Sewer Standard Specifications require that private water and wastewater systems be designed to meet or exceed the County's standards, which includes fire protection demands. As such, the plans for any onsite private water & sewer system must be submitted to and approved by the Department of Public Works, along with an engineer's evaluation and summary of the existing system's treatment and service capacities. Any interconnection to existing onsite systems will require that a design adequacy and performance evaluation be submitted to the Department by the applicant's engineer. A variance must be obtained from the Director of Public Works for any and all portions of the existing and proposed system not designed to perform under the County standards. We also recommend that the serving fire company review any fire hydrant spacing and locations. A SWM plan, Road & Storm Drain plan, Water and Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The existing onsite stormwater management facility shall be analyzed by the engineer and retrofit as necessary to meet the current stormwater management requirements.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. This concept layout contains internal roadway characteristics and geometrics that require a variance to the Road Code before review of road design engineering submittals will be made by the Department. The Nutmeg and Allspice Drive centerline geometry shown does not appear to meet Road Code criteria for clear line of sight within the right-of-way and is not approvable. The engineer must evaluate all the street horizontal curvature proposed and report on how the same meets Section 3.04 of the Road Code. The Applicant is instructed to revise this layout and resubmit a revised preliminary plat layout to TAC that addresses the Road Code Section 3.04 requirements for keeping the required line of sight within the street right-of-way. The applicant is required to supply a Protocol 2 Road Condition Survey of Mount Zoar Road. See the Department of Public Works November 2004 Guidance Document for the survey and reporting criteria. The extent of the survey shall cover Mount Zoar Road, from the site's Ginger Lane entrance to Maryland Route 222. Mount Zoar Road must be shown by the survey to meet Minor Collector Road standard R-7, or the applicant must reconstruct Mount Zoar Road to this standard or a standard acceptable to the Department of Public Works. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information and an initial road improvements proposal is required prior to submittal for planning commission review of preliminary plat. In regards to the required offsite road improvements, the applicant/developer is responsible for all right-of-way acquisition and any costs associated with the same.

The following standard notes and requirements apply to this plat and project:

- 1.1. The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.

- 1.2. Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance
- 1.3. Compliance with Section 3.07.15 of the Cecil County Road Code.
- 1.4. Requirements for Utility relocations.
- 1.5. Requirements for Public Works Agreements.
- 1.6. Requirements for Stormwater Inspection and Maintenance Agreements.
- 1.7. Requirements for Stopping Sight Distance measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Mount Zoar Road be upgraded to a Minor Collector Road standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. Public works agreements are required for the internal streets & storm drains and sanitary sewer and water constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. Applicant must provide stopping sight distance measurements for the new Mount Zoar Road access to DPW prior to preliminary plat submittal.

Mr. Kyte asked if the street width is going to stay consistent through the whole project. Applicant stated there are two widths, 28' and 30'. Mr. Kyte asked if the minimum will be 28' on any street in the development. Applicant responded yes. On the cul-de-sac size you show as 75 ' and that is just enough for ambulance to turn around providing no one is

parked in the area. Mr. Kyte would like 100' cul-de-sacs if possible, not on the existing one, but on the proposed one. What size are the water lines? Applicant is not certain. Mr. Kyte is curious because of fire protection. Mr. Kyte has talked to chief of Port Deposit and he has not been up there to pump a hydrant as yet. You should have no on street parking for the 28' wide streets. Will there be enough parking? Applicant stated there are 2 off-street parking places for each unit and some overflow. The only parking restrictions thought about so far is at the entrance to Mr. Zoar Rd. Mr. Kyte stated he can see from the water tower to the existing street and wondered if there will be a 12 inch main to the new streets. Applicants have not designed that yet. Mr. Kyte asked if there will be a loop system, and applicant responded yes.

Mr. King had no comments. Ms. Latham said there is a GAP worked out for 158 units which was the number intended when the permit was obtained. If you are going to add 41 will need to get new GAP. Applicant stated that it was originally designed for single family with children. Since then we have gone age restricted. If you had a number of years of operation, we might have been able to work out some demographics, but it looks there is not enough water use data available to get history so we can't do much else other than to ask you to apply for an increase. Mr. Moore, read CCDEH comments. See attached. Additionally, Mr. Moore stated all references should be changed to sites since it is mobile home site and he asked if the smaller building is the water treatment building and if so it should be labeled as such. USACoE stated impacts to nontidal wetlands and other waters of the United States should be avoided by the proposal. Any unavoidable impacts will require DA authorization.

Mr. Di Giacomo stated that upon inspection, this proposal is in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is MH. Manufactured home parks are permitted a density of 6/1. Formerly known as the Mt. Zoar Mobile Home Park, a Concept Plat was approved by the Planning Commission on 8/17/98 at a density of 2.59 units per acre.

The Mt. Zoar Mobile Home Park, Phases I, II, & III Preliminary Plat for 158 sites was approved on 10/19/98 by the Planning Commission with the following conditions:

- 1) Health Department requirements being met,
- 2) Department of Public Works requirements being met,
- 3) Plan for the private water and sewer system being approved by the Department of Public Works and the Health Department prior to final plat approval,
- 4) Plans for the wastewater treatment plant being approved by the Health Department and the Maryland Department of the Environment prior to final approval,
- 5) Maryland Department of the Environment issuing a permit to construct the wastewater treatment plant prior to final plat approval,
- 6) Bufferyard D being modified to fill in gaps on School House Road,
- 7) Outparcels being labeled as future development,
- 8) All references to lots being changed to sites,

- 9) Permits being obtained from the Corps of Engineers and the Maryland Department of the Environment for wetland impacts prior to recordation,
- 10) Setbacks being shown correctly,
- 11) Open space areas being shown,
- 12) Groundwater Appropriation Permit being issued by the Maryland Department of the Environment prior to final approval,
- 13) Accel, decel, and by-pass lanes being provided at both entrances,
- 14) A JD being done prior to final plat review,
- 15) "t" turn arounds being provided at the end of the streets adjacent to the future development areas.

A Final Plat was disapproved by the Planning Commission review in March 2000, but the Phase I Final Plat, proposing 63 manufactured home sites, was approved on 4/17/00, conditioned on:

- 1) That Health Department Requirements be met;
- 2) That DPW requirements be met;
- 3) That a deed restriction 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. The forest retention areas must be clearly shown.
- 4) That the standard forest retention/street tree note be placed on the plat.
- 5) That a landscape agreement be executed prior to recordation,
- 6) That any changes to the water or sewer plants be approved by DPW;
- 7) That the owner-operator of the community water and sewer service be approved by MDE and the Board of County Commissioners prior to recordation;
- 8) That permits from the Corps of Engineers and MDE for all wetland impacts prior to recordation;
- 9) That if any tot lots are to be included in Phase I, then details of the kinds of equipment will need to be included in the Public Works agreement;
- 10) That the gap in the Bufferyard D be filled in on the landscape plan for subsequent phases,
- 11) That access to open space between sites must be marked with concrete monuments,
- 12) That the word "Community" be replaced with "Park" in the title block on the Record Plat,
- 13) That the Master Water and Sewer Plan be amended prior to recordation.

Because of a pending appeal, the applicant sought and received a one-year extension of Preliminary Plat approval on 8/21/00. The Preliminary Plat's validity would have expired on 10/19/00 without an extension the recordation of Phase I – which was in doubt because of the pending appeal.

The Phase I Record Plat was recorded on 8/5/03. Per §4.1.17, that extended Preliminary Plat validity until 8/5/05.

This has been submitted as a Preliminary Plat. However, per §4.0.9, Concept Plat approval expired on 8/21/01. In addition, there is currently no valid FSD. Therefore, a Concept Plat rather than a Preliminary Plat is in order at this juncture. Consistent with the procedural

precedent recently repeated for Section III of the Forest Green Manufacture Home Park, a Phase II Concept Plat should be submitted for Planning Commission review.

This Plat proposes 199 manufactured home sites on 77.59 acres, including the 63 sites already recorded in Phase I. The new proposed overall density is 2.56/1, using the acreage figure provided. The Phase I Record Plat indicates that the total site is 79.2689 acres. What accounts for the discrepancy in acreage, 77.59 vs.79.2689? Applicant stated better survey work. There was more survey work that was done. Mr. Di Giacomo stated this must be nailed down prior to Preliminary Plat.

While the proposed density is obviously less than the 6/1 permitted, the exact acreage must be determined, overall and for Phase II, and both densities must be stated in the “Development Summary” table – which is currently confusing because the aggregate acreage from all other categories exceeds the “total site area.”

The “Lot Layout” schematic depicts a typical double-wide and a typical triple-wide layout. The Zoning Ordinance does not permit triple-wide manufactured homes. Unless an amendment to the ordinance can be effectuated beforehand, all references to triple-wides must be removed from the Concept Plat. The Planning Commission cannot approve a Concept Plat whose details are at odds with the Zoning Ordinance.

In addition, manufactured home “lots” can exist only in manufactured home subdivisions. Therefore, all references to “lots” must be changed to “sites.” A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. If approved by the Planning Commission, this development will require that the existing Manufactured Home Park license be amended to include the additional sites.

This Concept Plat proposes a layout with only two points of ingress and egress for 199 sites. For safety’s sake, why hasn’t another entrance been proposed? It was reported to have been considered; however, they felt there was enough within the project.

The proposed clubhouse facility is an accessory use to the proposed manufactured home park. Therefore, a major site plan submittal will not be required. Rather, the applicant may show the details of those improvements, as required in §291 and Appendix A of the Zoning Ordinance, on subsequent Preliminary and Final Plats. Or, the applicant may wish to submit a separate site plan application pursuant to the provisions of §291 and Appendix A of the Zoning Ordinance. The issuance of a building permit for the clubhouse will be contingent upon either recordation or site plan approval.

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

A 110’ perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160’. A 25’ buffer is

required around all non-tidal wetlands 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. Not less than 15% of the gross area shall be devoted to open space and recreational area, not including roads and bufferyards. The total proposed open space is 31.178 acres. Based on 77.59 acres, that is 40.18% of the total acreage. 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands.

20% landscaping of the development envelope is required in the MH zone, and rows of street trees are required along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. No street trees should be planted within 20 feet of sewer laterals and cleanouts. A surrounding Bufferyard Standard D is required, per §78.8. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

The 10/16/98 FSD approval for the entire site expired on 10/16/03. A new FSD must be approved prior to Planning Commission's Concept Plat review. 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. 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.

Sidewalks are recommended on at least one side of all internal roads. Each manufactured home site shall measure not less than 4000 ft² in area, and the minimum width at the setback line must be 50'. For the sake of consistency of design, we recommend you continue what you have there now. Minimum setbacks on all manufactured home sites shall be 15' front and rear, 10' on each side, as depicted. The proposed road names have been approved.

Fire hydrant locations must be established in consultation with the Port Deposit Fire Company and DPW. §6.6.6 of the Subdivision Regulations requires local access streets be 34' wide, 28' paved, with curb & gutter. A Traffic Impact Study (TIS) will be required for 136 proposed new sites. A TIS was conducted in the spring of 1998 in conjunction with the original Concept Plat.

Verification must be received from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites. The proposed sites must be served by water & sewer systems approved by the Health Department. Sewer capacity to serve these proposed sites must be verified by the Department of Public Works prior to Final Plat review.

Any Site Plans required in conjunction with providing adequate sewer or water facilities for this project must be approved 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 Master Water and Sewer Plan classifies the "Mount Zoar" Manufactured Home Park area as W-1 and S-2.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all sites offered for lease. Details of proposed amenities such as gazebos and any recreational equipment will need to be included in the Public Works agreement. All the requirements of §'s 30 & 78 of the Zoning Ordinance and §6.6 of the Subdivision Regulations must be met. The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

7. Bayview Crossing, Concept Plat, 38 Lots, Theodore Road, Taylor Wiseman & Taylor, Fifth Election District

Mike Pugh, David Meiskin and David McAnally, TWT, appeared to present the project. We are returning with a Concept Plan for the Bayview Crossing development. Several months ago we were disapproved for cluster development. We are returning with standard subdivision plan based on SR zoning with minimum required lot sizes for your review.

Mr. Graham stated he was not present for the last review however his understanding is there is in the general area a threatened species, bog turtle, and it has delayed the 301 project in DE. Laurie Bear is coming up to look at this land to see if this species is definitely in this area as the local people think it is and if it is, we will want to know where on the property. Mr. Pugh stated this is the first he has heard about this. Mr. Graham stated it was brought up at the last meeting. Mr. Pugh stated it was not brought up for Bayview Crossing. Mr. Graham stated no it was brought up for Bayview 23. Mr. Pugh stated he does not recall it and our environmental review people have not raised the issue of the presence of bog turtles. I don't know what evidence or basis that supposition is made from. If there is some evidence or some material that is in support of it, we would request copies so that we can follow up with it appropriately. Mr. Graham stated that will be happening shortly from what he understands. Mr. Di Giacomo stated that the Natural Heritage letter indicates that bog turtles are known to occur in the proposals drainage area and DNR is interested in conducting a habitat assessment on the site.

Mr. Markwardt stated bus service will be on Theodore Rd and Kettle Creek Drive. Will there be accel-decel lanes? Mr. Orr responded there is a minimum requirement and applicant has not requested a road code variance. Mr. Markwardt asked if it will require a white line be required. Mr. Pugh said they can work on this when we get further down the line. Mr. Markwardt asked for the size and price of the homes anticipated and when the project would begin. Mr. Pugh stated the same as before, but if the bog turtle problem is introduced, it will throw us back another year.

Mr. Brown reported that the proposed project will require an erosion and sedimentation control plan be submitted to the SCS District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils

maps and reports on soil limitations for development are provided. Check Plat Note #16 for spelling

Mr. Orr stated a SWM plan, Road & Storm Drain plan, Sanitary sewer collection and pumping system plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Closed section street design is required – see section 2.07 of the Road Code. CCDPW understands that the Town of North East will own the water distribution system in this development. Have you requested a water allocation from the Town of North East? Mr. Pugh stated they have not. 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. All easements for the water lines must be reflected on the final plat. The developer is responsible to complete a public gravity sewer capacity analysis. The limits of this analysis shall begin at the site discharge location and cover the downstream collection system to the Interstate 95 Stony Run Interceptor crossing.

Any permits required for disturbance of a regulated wetland or wetland buffer shall be obtained by the applicant prior to Departmental approval of a plat for record. Lots 5 & 18 are denied access to Kettle Creek Drive – revise Note 23 for the lot number change. Lot 27 is denied access to Old Bayview Road. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The 26' pavement width and the Kettle Creek Drive Loop centerline geometry shown does not meet Road Code criteria and you will need to obtain a Road Code Variance prior to preliminary plat submittal to planning commission, or, if you cannot obtain the variance, you will need to revise the loop layout. The internal street right-of-way tapers are not shown correctly - this comment has not been addressed from your November 2005 submittal – why has a correction not been made? Mr. McAnally stated he needs to make that correction. Show the required right-of-way dedication along Theodore Road and label the same to be dedicated in fee simple to the Board of County Commissioners for Cecil County. Show sidewalk layout on the preliminary plat. Correct all plat spelling errors. Show the proposed force main and pumping station layout on the preliminary plat. Show the force main easement and county gravity sewer connection location. Where do you anticipate locating the stormwater management facilities for this subdivision? Mr. McAnally stated at this time they anticipate locating a facility on either side of the intermittent stream that runs through the parcel or one adjacent to Lot 33 on the south side of Kettle Creek Drive and the other on the north side of Kettle Creek Drive, adjacent to Lot 18 and the wastewater pumping station. We realize that we may upon completing an outbound survey and an accurate topography, we may need to push the lots or the SW requirement may dictate that we lose a Lot. Mr. Orr asked why is Pink Dogwood Road listed as a 50' right-of-way with 22' cart way. He continued that he is not sure why it is shown as a 50' right-of-way and a 22' cart way. Please revise that. There is no physical county road intersecting Rt. 274 which is called Pink Dogwood Road. The applicant is required to supply a Protocol 2 Road Condition Survey of Theodore Road. The extent of the survey is to include Theodore Road, from Maryland Route 274 to the site's southwest boundary corner. This subject portion of Theodore Road must be shown by the survey to meet Minor Collector Road standard R-7, or the applicant must propose and gain Department of Public Works'

approval of an initial roads improvement proposal prior to submitting for preliminary plat review by TAC. Without this information, the offsite road access has not been proven adequate under 2.7.1 of the subdivision regulations.

Based upon the current permitted WWTP capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval, concept through final, no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at their own risk. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). If the existing wet pond is intended to serve a stormwater management function, then a geotechnical analysis of the embankment is required, along with a Maryland professional engineer's analysis of the pond and outfall structure condition and hydraulic performance. The pond analysis must address any relevant MD 378 Pond Code criteria. The analysis must be submitted to the Department of Public Works in the form of an engineering report, signed and sealed by a Maryland licensed professional engineer. If the pond is to be maintained by the HOA, but not perform a stormwater function, the lot deed restrictions must note the same. Public Stormdrainage easements must be separated from private stormwater management and access easements. A pre-design geo-technical evaluation and borings are required along the proposed road alignment that crosses the stream, pond, and non-tidal wetlands. Specific recommendations for subsurface drainage and street sub grade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval.

The following standard notes and requirements apply to this plat and project:

- 15.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 15.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 15.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 15.4 Requirements for Utility relocations.
- 15.5 Requirements for Public Works Agreements.
- 15.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 15.7 Requirements for County Roads .
- 15.8 Requirements for Driveways.
- 15.9 Requirements for Final Plat - Public Water and Sewer Allocation.
- 15.10 Requirements for Sewer Service Cleanouts – Location.
- 15.11 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the*

sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”

- b. *Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”*
 - c. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 3. Section 3.07.15 of the Road Code requires that Theodore Road be upgraded to a Collector Road, Cecil County Road Code Standard R-7 for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
 4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
 5. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
 6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Theodore Road may not exceed 5% within the limits of the intersection right-of-way.
 8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
 9. Developer must request and obtain a public sewer allocation from the Department of Public Works and a public water allocation from the Town of North East before submitting a final plat to the Cecil County Planning Commission for approval.
 10. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

11. Applicant must provide stopping sight distance measurements for the Theodore Road access to DPW prior to preliminary plat submittal. Mark the proposed Theodore Road entrance location in the field by a survey stake or paint.

Mr. Pugh had questions about item 10 and WWTP capacity issue, not being aware of the capacity issue. Mr. Orr stated that beginning in 12/2005, all Concepts coming before TAC have been drawing this comment. There has been no official resolution by the Board of County Commissioners as to the capacity of the current waste water treatment plant, however, the sum total of all the lots of record that have been permitted that are within that sub district or service area of the WWTP as well as all the new development proposed and the currently anticipated value that is required to support the industrial/commercial development corridor at this time equate to a value that is currently the value of the WWTP. So, what we are telling you is that there are a whole line of projects ahead of you that have already received either a Concept approval, a Preliminary approval, a Final Plat, a Record Plat or are dedicated in an area of growth that by resolution, there would be capacity set aside in that WWTP for Commercial/Industrial growth. We are now at that limit and until the WWTP is permitted for a larger capacity, we are making anyone who comes in with a Concept Plat that would require public sewer allocation aware that you are in line and based on the current values and projections, if the County does not either acquire an addition to the capacity at the Seneca Point Plant or otherwise by resolution change the amount of industrial or commercial capacity that is dedicated from that plant, the only way you can get capacity is if a project ahead of you either did not request an allocation or their allocation stopped. Mr. Pugh asked if there is any place where they can find posted or find information that would determine what the amount of set aside is for the Commercial/Industrial so that we can see what the finite value of that is and secondly within the confines of all the rest of us that are going to be trying to partake from that capacity, are you maintaining a queue based on those that presumably have PW Agreements being first in line, those having commitments going back to at least Concept Plat would be second in line and then the rest of us who would be waiting on that line would need it freed up by someone falling off the line or additional capacity being created. Mr. Pugh asked if that is a rough summary of what is going on. Mr. Orr's response to the first question is you need to see the Capital Facilities Administrator, Matt Carter. That resolution is in preliminary draft form and was anticipated to come before the board in the next couple of months. He is the keeper of the records. Mr. Pugh continued, so this is not adopted policy, e.g. it is your policy internally, but it has not been recognized by the County Commissioners as accepted policy, e.g. the set aside amount. It has not been examined by the Public, it hasn't been accepted yet by the County Commissioners. Mr. Orr continued that the requirement to maintain records and not over allocate in terms of capacity is a State requirement placed on the County by our operational permit. So, regardless of the resolution, the DPW and now the Capital Facilities Administrator are responsible not to over allocate our approvals of WWTP capacity. Mr. Pugh asked if there could be variables in that which would be exposed during the adoption process of the policy. Mr. Orr stated yes. Mr. Pugh asked if since this started in December, presumably, we are close to the front of the line in the queue. Mr. Orr stated the queue is not formally established. That will be established and the process by which and the limitations under which you can request a public sewer allocation is also being worked on by the Capital Facilities Administrator in conjunction with CCDPW. There is anticipation that a standard procedure for that process and how the queue will be established will actually be available

in writing, hopefully this quarter. Again, I am going to direct you to discuss this with Matt Carter, but as of right now, if you have a Concept Plat approval, there is no one preventing you from requesting a Public Sewer allocation. The concern the Department would have is how close you are to actually making use of that allocation. There is no formal queue established currently other than we recognize that there are projects that have been approved before this particular project is approved. Mr. Pugh stated he is down ranging a bit, but he is sitting next to a person who has a project called the Villages of Northeast who is not at Public Works Agreement, but is in that capacity total. A request for allocation for anything that has Concept approval would be timely. Mr. Orr stated that at this point he would not prevent him from requesting it because the formal policy has not been established keying to Preliminary Plat approval because the engineering happens directly after Preliminary Plat, but that has not been formalized.

Mr. Kyte stated he appreciates 26' wide streets and good size cul-de-sacs. There is only one entrance into this and you did not supply emergency entrance off of Old Bayview Rd as was speculated before. Possibly you would want to put no parking signs up and down the streets to be sure no one parks in the street and blocks the fire equipment from being able to get into wherever it needs to. Mr. Pugh stated when we came through with the plan last time; we indicated an emergency access into that intersection to Old Bayview Road/Rt. 274 and were strongly discouraged that that would not be approved because of spacing requirements in the DPW. We have also historically been told that we could not have an entrance off of Maryland 274. I would say to you, there is a curb cut on MD Rte. 272, between the guard rails that could be utilized as an emergency access if the State Highway Administration was agreeable to that. Absent that, I don't think we have a solution to your emergency access question that we can realistically provide. Mr. McAnally asked for clarification about where he would want the no parking signs. If the street was down to 22', they are required on both sides of the street, but you did stretch it to 26' wide. I would settle to have them on the right side all the way down at least one side of the street.

Mr. King stated there can be no direct access to MD 274. Emergency access, we can look at emergency access and would want it for emergency only. We would also like a TIS done. Mr. Pugh asked if this was necessary for 38 lots. Mr. King stated it would be for 50 peak hour trips. The applicant's traffic engineer questioned there be 50 trips.

Ms. Latham stated if water comes from North East, no GAP will be needed. Mr. Moore, read CCDEH comments. See attached. USACoE states DA authorization is required for the proposal. Avoidance/minimization of impacts to nontidal wetlands and other waters of the United States is required.

Mr. Di Giacomo stated that upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is SR, which permits a base density of 1 du/ 1 ac, 2/1 with community facilities. Note # 6 indicates that public water and sewer will be provided. This Concept Plat proposes 38 lots and 6.25 acres of common open space on 23.5 acres, for a proposed

density of 1.62/1. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. 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'. It appears that the stream buffers will have to be expanded. 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. Approximately half of proposed Lot 14 consists of wetlands and wetlands buffer.

At least 15% common open space is required; 26.6% is proposed. Are any active recreational amenities planned? Mr. Pugh said not at this point. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must again be included on the Preliminary Plat. Common open space has been so labeled but not referred to as such.

20% landscaping of the development envelope is required. Sidewalks are recommended on at least one side of all internal roads. The minimum SR zone lot size is 12,000 ft² and the setbacks are 30-10-40. The "Typical 12,000 S.F. Lot" schematic indicates there to be a 115' minimum lot depth and a 65' minimum lot width – which equates to only 7,475ft² and is below the 12,000ft² minimum SR zone lot size. In addition, a number of proposed lots fall below the 12,000ft² minimum, as scaled. /additionally, the table on the lower right hand corner indicates the minimum area to be 1200 sf. Mr. McAnally stated on the table there is a drafting error and a checking error. He believes all the lots are a minimum of 12000 sf lots. Our intention is 12000 sf and larger lots. Mr. Di Giacomo stated if staying with this layout, then you may want to add the verbiage to clarify that and as scaled, several appear to be below the 12,000 sf threshold. The applicant was reminded that §4.0.13 (j) requires the dimensions of proposed lots and that adherence to that requirement can help avoid the submission of unapprovable designs.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 274, Old Bay View, and Theodore 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 FSD was approved on 11/15/05. The Natural Heritage letter indicates that bog turtles are known to occur within the proposal's drainage area, and DNR is interested in conducting a habitat assessment on the site. The applicant is advised to coordinate with DNR and reminded that any species survey must be completed prior to the TAC's review of a Preliminary Plat. 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. A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats. The proposed road names have been approved. §7.2.12.E.4 requires 450' of separation between intersections on County roads. Although adjacent Parcel 70 does have some, limited road frontage, the possibility of designing a future stub access off of the proposed Kettle Creek Drive should be fully explored because the two access points would be separated by only 100' and that will be a staff recommendation. Mr. Pugh asked not withstanding the ATT right of way and the property adjoining? Mr. Di Giacomo stated there are other examples where there are accesses proposed over such easements. Mr. Pugh asked Mr. McAnally if it is an easement or fee simple and do we know. Mr. McAnally stated they believe it is an easement. Mr. McAnally stated they also discussed this at PC and the adjoining property owner came in and said he does not want to cooperative with us in any way to provide a physical stub. Mr. Di Giacomo stated they understand that the owner does not want a physical stub provided and that the owner never intends to subdivide, however, it is our responsibility to recognize that the current owner will not be the owner forever, and at some point with a population dynamic of surrounding counties to ours according to the last census, surrounding counties in three states out number our population in aggregate 20/1. The growth factor is there, and at some point it will probably be developed. When it is, what we do not want to see are these two intersections with the county roads that are 100' apart. So, what we would seek would be a paper stub so that the connectivity could be effectuated.

The TIS must be completed prior to the TAC's review of any Preliminary Plat. Fire hydrant locations must be selected in consultation with the Department of Public Works and the North East Fire Company. 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 Master Water and Sewer Plan classifies this site as W1 and S1.

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

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/homes offered for sale. Documentation of all necessary easement agreements with AT&T will be required prior to the Planning Commission's review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of 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. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

8. The Villages at Herron Lake, Preliminary Plat, 1465 Units, Zeitler Road/Blue Ball Road, Taylor Wiseman & Taylor, Third Election District

Mike Pugh, David Meisken, Robert McAnally, and Mike Nalepa appeared. Mr. McAnally provided an overview of the project and modifications to the original plan. The biggest modification was the shifting of some of the units based on the flood plain analysis. On the Concept Plan on Blue Ball Rd., we had parcel 2 with frontage on Blue Ball Rd. just north of Zeitler Rd. and we were going to build 160 condos but found that to be a complete flood plain. We shifted parcel 2 farther west on Zeitler Rd. and we are going to preserve that entire area. It is a heavily wooded area and we are going to keep it that way and shift the 160 condos to another area on the site. Also adjacent to parcel 7 were intermittent streams and we had to make substantial modifications in that area of the plan. Now townhomes will be north of the intermittent stream area and single family homes will be south of the intermittent stream area. The result was we lost approximately 32 lots from those areas that we had to pick up in other areas. We picked up some of those lots in the area of parcel 3. Some of the modifications we made in that townhome section in order to have a more diversified product for sale is that we will have some units with rear entry garages that are now on private driveways. Another modification area is adjacent to the commercial site along Blue Ball Rd. as we did not have the proper separation between the driveway to the commercial site, the intermittent roadway connecting into parcel 1 and the existing intersection of Zeitler Rd. There was not enough spacing for all these access points so we provided an alternate access to the commercial space to a new road called Griffin Drive which will not have any driveways on it and connects from Zeitler Rd. to the commercial. Everyone in the neighborhood can access the commercial site without going onto Blue Ball Rd. We are asking for Preliminary approval of general street layout and 765 units in fee simple which would be in parcel 1, parcel 3, parcel 6, 7, 8 and 9. The recreation center and condos will need site plan approval at a later time. We are only asking for approval for those in fee simple and the others are just place keepers if you will.

Mr. Graham stated people are asking who is going to pay to clean up the superfund site. Will the county be raising taxes? Mr. Meisken stated that presuming EPA sticks to their schedule, they will clean it to a certain point and then I will clean up from there. CoE will be cleaning up to a residential standard and paid for by CoE. Mr. Graham asked where will the cost of additional clean up go? Ultimately will those costs be part of the price of the homes? Mr. Meisken stated ultimately all improvements go into the price of the homes. None of the expense will be to the County.

Mr. Markwardt asked if the road connecting Blue Ball and Ziegler going to connect to Marley. Mr. Pugh stated probably and they have shown it that way. Mr. Markwardt is concerned about how they will we get buses in and we want to make sure there is an access for a school bus to get in and out or to get through, e.g., Zeitler from one end to the other with staging along the way. Mr. Meiskin stated loops have been built in to handle this and they will be built in sequence and access will be maintained. Mr. Markwardt stated they would provide bus service for Zeitler Rd. He also asked how soon they will be starting. Mr. Meiskin stated if things go well in 24 months.

Mr. Brown said the project will require an erosion and sedimentation control plan be submitted to the SCS District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the SCS District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District. Soil Mr (Mixed Alluvial Land) shown in the soil legend is a Hydric soil.

Mr. Woodhull (replaced Mr. Orr after lunch) stated a SWM plan, Road & Storm Drain plan, a Water Treatment and Distribution system plan, a Sewer Collection and Treatment System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The water and sewer system design must be submitted to the Department of Public Works and be approvable as to design by the Department prior to submittal for Final Plat Approval. This project is located within a 'W-3' public water and 'S-3' public sewer service district in the Cecil County Master Water and Sewer Plan (MWSP). An amendment to the Cecil County MWSP may be required if the project timing results in the submittal of a final plat for planning commission approval before the 'W-3' or 'S-3' timelines occur. Regardless of the MWSP amendment, if the Developer proceeds with engineering submittals of street and drainage systems infrastructure to the Department of Public Works, before submitting and receiving approval for the water & sewer system design, the Developer does so at their own risk. The Developer shall submit a water distribution plan and fire hydrant spacing and locations to the serving fire company for review.

Who is proposed to own and operate the water and sewer system in this development – the notes indicate the system is to be public? Mr. Pugh stated there are discussions going on in that regard, but it is not to a point where anything is finalized. In the long run, applicants expect it to be public. The lot layouts for the proposed WTP and WWTP locations have no access provision and appear smaller than expected. The water distribution system including fire hydrant locations shall be designed to meet or exceed the County's standards. The applicant is responsible for securing review of the hydrant locations by the serving fire company. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat. The developer was responsible to complete a preliminary public water and sewer system layout and submit the same to the Department of Public Works with their preliminary plat submittal to TAC. This submittal has not been received by the CCDPW and the applicant is instructed to submit the same and resubmit for TAC review of the preliminary plat after this requirement has been met. Mr. McAnally asked for clarification about this. Mr.

Woodhull stated that in discussions with Mr. Orr, who is expecting to see these, we are looking for a separate submittal on that.

The applicant's engineer has corrected some of the roadway system geometric deficiencies that were present on the concept plat submitted for TAC review in November of 2005; however, there are still geometric deficiencies present on this preliminary plat. The applicant's professional engineer is required to produce a road system layout that complies with the Cecil County Road Code. Portions of the horizontal geometric layout shown remain in non-compliance with the Road Code and are not approvable for design; they are as follows:

- 1.1 Barkley Court Alley (Section 3.04)
- 1.2 Buckinghame Drive (Section 3.04)
- 1.3 Devonshire Drive (Section 3.04)
- 1.4 Hastings Drive (Section 3.04)
- 1.5 Hedley Drive (Section 3.04)
- 1.6 Goodrow Terrace (Section 3.04)
- 1.7 Lancaster Drive (Section 3.04)
- 1.8 Wellington Terrace (Section 3.04)
- 1.9 Winthrop Drive (Section 3.04)
- 1.10 The private Road serving the parcel 4 condominiums at buildings 1 & 15 (Section 3.04)
- 1.11 The exit turning radius for the private road cul-de-sac north of condominium unit 18 is too sharp for large emergency vehicle (fire truck) egress.
- 1.12 Barkley Court cul-de-sac - see minimum required paved radius dimension.

These alignment and geometric deficiencies affect the safety of the internal roadways and the accessibility by emergency service vehicles. The Department will not sacrifice the safety of the public road system users and the community residents simply to provide more units within a development. Revise this plat for code compliance and resubmit. The record now shows three (3) separate submittals of record where the Department has called (in writing) the engineer's attention to design standard deficiencies applicable to the street layout proposed and required the same to be revised for code compliance. Some revisions have been made since the original concept proposal, however, specific elements remain unresponsive to the codified requirements and are unapprovable. A Maryland registered professional engineer has sealed these drawings. Mr. Robert T. McAnally, Maryland P.E. license No. 15960 is requested to schedule a meeting with the Director of Public Works and Senior Engineer within the next two weeks and before making any further submittals. Griffin Drive from the commercial site access to Zeitler Road shall be designed to meet the County Minor Collector Industrial/Commercial Road standard R-9. This plan depicts multiple storm drainage system discharges directed to streams without stormwater management. This layout is not approvable under the current stormwater management code, revise and resubmit. There are no public and private drainage easements shown on this preliminary plat as required under subdivision regulation 4.1.22(N) for preliminary plats. Satisfying this requirement as codified, allows the Department to review and offer comment on critical technical design related elements in order to minimize design submittal comments. Revise and resubmit. The proper private parking area easements for the townhome sections are required to be shown on the preliminary and final plats.

The standard detail will not singularly suffice, show and label the easements in plan view. Where is the required Maryland registered surveyor's seal? Mr. McAnally stated they will make a note that the survey will need to be signed and sealed and submitted separately. The stormwater management basins off Wellington Terrace, Jacob's Way and Buckingham Way are depicted at least partly within a perennial stream buffer. Stormwater Management facilities are not permitted within the stream buffer pursuant to Article IX, Section 174 of the Zoning Ordinance. Revise all planned stormwater management facility locations for compliance as applicable. Are waivers requested for the no-disturbance stream buffer road crossings shown? Mr. McAnally stated they will be requesting them.

Additional off-street parking is recommended for the townhome sections shown. Label the pumping station on sheets 4 & 8. The pumping station location on sheet 8 is not permissible or approvable within the 100-year flood plain. Revise the same.

See note 6 of the November 2005 TAC and planning commission notes and requirements identified for record. The road right-of-way chamfers at intersections have not been revised and are still shown incorrectly.

The applicant must investigate and report upon the Conowingo right-of-way shown. Specifically, the applicant must confirm Conowingo's right-of-way and easement dedication conditions for construction/reconstruction of the internal county road (Zeitler Road) as well as Conowingo's approval for the Developer to reconstruct and the County to own a public road over the transmission company right-of-way before final plat submittal to the planning commission. It is recommended that the Applicant obtain this information prior to preliminary plat approval by the planning commission, so as to avoid any costly site re-design that might be necessitated by a refusal from the transmission company.

Why are Zeitler and Marley Road shown as 60' right-of-ways with 36' paved travel ways? This is not their existing condition to the Department's knowledge. Mr. McAnally stated they are planning on rebuilding the entire length of Zeitler Road. It is anticipated that the applicant will be required to improve the Marley Road intersections with Deaver and Nottingham Roads. The Deaver Road intersection may require substantial re-alignment to create a Deaver Road stop and intersection condition. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. New Private Roads that do not meet Road Code criteria are not permitted by code. The applicant was required to supply a Protocol 2 Road Condition Survey of Zeitler Road and Marley Road per the November 2005 TAC and Planning Commission hearing requirements specified in writing by the Department of Public Works. The extent of the survey covered the entirety of Zeitler Road, and for Marley Road from the site to Pulaski Highway. Zeitler Road and Marley Road must be shown by the survey to meet Major Collector Road standard R-8, or the applicant must reconstruct Zeitler Road and Marley Road to this standard. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information was required prior to submittal for TAC review of preliminary plat. In regards to required offsite road improvements, the applicant/developer remains responsible for all right-of-way acquisition and any costs

associated with the same. This submittal has not been received by the Department of Public Works and the applicant is instructed to submit the same and resubmit for TAC review of the preliminary plat after this requirement has been met. Zeitler Road requires intermediate turn-arounds on 1,200 foot minimum interval spacings per code. Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street sub grade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval, and a remapping of the 100-year flood plain and a crossing hydraulic analysis are required. The applicant is responsible to have their engineer prepare and submit these designs and analyses.

The TIS submitted for this project was logged for review on January 23, 2006. It is under review by the Department at this time. The applicant is responsible to have a Maryland Registered Professional Engineer update the Elk Creek and Laurel Run 100-year flood zone mapping. Zeitler Road and the Zeitler Road Bridge must be shown to be above the 100-year flood elevation in their proposed form and if improvements are required to meet this requirement, the applicant/developer is responsible for the engineering, right-of-way acquisition, and costs associated with the same. Submit the hydraulic and hydrology calculations and mapping to the Department for review.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Stormdrainage easements must be separated from private stormwater management and access easements. All lots must access the least major available road frontage. The final plat must depict the areas of denied access graphically.

The following standard notes and requirements apply to this plat and project:

- 28.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 28.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 28.3 Requirements for Utility relocations.
- 28.4 Requirements for Public Works Agreements.
- 28.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 28.6 Requirements for County Roads.
- 28.7 Requirements for Driveways.
- 28.8 Requirements for Final Plat - Public Water and Sewer Allocation.
- 28.9 Requirements for Sewer Service Cleanouts – Location.
- 28.10 Requirements for Stopping Sight Distance Measurements.
- 28.11 Townhome Parking Areas & H.O.A. Maintenance Easement Notes.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.

- a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
 - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grades leaving Zeitler and Marley Roads may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. If a County-owned and maintained public water & sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
10. Applicant must provide stopping sight distance measurements for the Marley Road access to DPW prior to preliminary plat submittal. Mark the proposed Marley Road entrance location in the field by a survey stake or paint.
11. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA

maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

Mr. Kyte stated that going back to previous notes, he understands that there will be some bridges built and they need to carry 70000 lbs. The fire hydrant placement should be done with local fire department. All water mains, if it is a non loop system going to a dead end needs to be a larger diameter off the loop system. The fire company would like to see you follow the guidelines of the county regarding street widths. If streets are 38' or larger, nothing needs to be done additional, but if smaller, the developer needs no parking signs on at least one side of street. If the street is 20 feet or less, there should be no parking signs on both sides of the road. All streets should be marked, even during construction to accommodate emergency services so they can find their way around.

Mr. King stated traffic office is currently reviewing the TIS submitted. No signal warrant was done with those. Mr. Nalepa stated typically what happens is that it would be all projections at this point. They anticipate having a signal at Zeitler and Blue Ball, but it will not happen until we get a good way through this development and wind up doing a signal warrant study at that point. Mr. King stated they need to stake commercial access points so I can go out and make sure the site distances are okay. That was stated in my last comments as well. See attached comments today. We will need to see a separate pavement and marking plan for traffic review. We will also need stormdrain plans and computations for review and approval by the Highway Hydraulic Division. Any additional right of way needed for the roadway improvements along 545 must be deed fee simple to the State Highway. Regarding Parcel 2, we would like no access to 545. Mr. Meiskin stated we purposely moved what was there because we couldn't get a permit to cross it anyway.

Ms. Latham stated last time she gave a page of comments, and part of those comments are addressed. CCDEH said you need to apply for a name for the water and sewer plans, name of supplier and name of system. Mr. Pugh stated this needs to be done by final plat. Ms. Latham stated before applicant gets too far into the design for water treatment plant, call our office and speak with Chris Carsky at MDE. No other permits have been applied for as yet. Mr. Moore read CCDEH comments. See attached. USACoE states DA authorization is required for the proposal. Avoidance/minimization of impacts to nontidal wetlands and other waters of the United States is required.

Mr. Di Giacomo stated that upon inspection, this proposal is in compliance with §3.8 of the Subdivision Regulations. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The site zoning is BG, M2 and RM. The Concept Plat, proposing 1,465 dwelling units on 373.8 acres, for a proposed density of 3.92/1 was approved on 11/21/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 2) All issues associated with the boundaries of the M2 area being satisfactorily resolved verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;

- 3) Documentation of the completed JD being received prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 5) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 6;
- 6) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 & 6;
- 7) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 8) The name of the water company providing the water being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 9) The Preliminary Plat or Preliminary Plat/Site Plans documenting that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers;
- 10) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 6;
- 11) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission for Phases 2 and 6;
- 12) Note # 11 deleting reference to alleys;
- 13) A Traffic Impact Study being completed prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 14) The "Land Use Summary" taking into account that the common overflow parking areas cannot be included in the open space total acreage;
- 15) The 100-year floodplain boundaries being labeled and verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 16) All data and information being reconciled between the plat and the "Land Use Summary;"
- 17) All proposed areas of common open space being shaded prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 18) Any Preliminary Plat/Site Plan review for Phases 2 & 6 clearly demonstrating consistency with §277;
- 19) Fire hydrant locations being selected in consultation with the Department of Public Works and the Singerly Fire Company prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 20) A complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission; and
- 21) The Preliminary Plat reflecting strict compliance with §7.2.12.E.4.

Condition # 2 required the satisfactory resolution of the M2 boundary prior to Preliminary plat or Preliminary Plat/Site Plan review. The boundaries depicted on the tax maps and the Zoning Map are still at odds with that shown on the plat. Therefore, Note # 5 is incorrect.

Has the boundary line survey been completed, and what steps have been taken toward “satisfactory resolution?” Mr. Meiskin asked what steps need to be taken and stated he is not sure what the process is. Mr. Di Giacomo stated at the least a letter to the Director and Zoning Administrator making reference to the rezoning that occurred last year and that the boundaries used at that point were incorrect and bring it to the attention of the Office of Planning and Zoning and particularly the Zoning Administrator that the official zoning maps will need to be corrected. Mr. Pugh asked if this will be administrative or if it will be procedural. Mr. Di Giacomo stated it will be the latter.

The title blocks of the individual sheets must identify the parcels/phases that are the focus of each sheet for any submittal to the Planning Commission. §4.1.22 requires Preliminary Plats to be drawn at 100-scale. Condition # 20 of Concept Plat approval required that a complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission. Once that is done, the Preliminary Plat can be resubmitted for TAC review.

The Parcel 9 Lot Acreage Table on Sheet # 11 indicates that 76 lots are proposed; however, the phasing insert on Sheet # 1 indicates that Parcel 9 is proposed to be the project’s commercial component. The phasing insert on Sheet 1, which is inconsistent with that contained on the approved Concept Plat, mentions Parcel 10 but does not depict it. Parcel 11 is neither depicted nor mentioned. Such basic inconsistencies must be corrected.

To be reasonably reviewable, all depictions, labels, and references to the respective phases/parcels must be both complete and consistent throughout the submission, among sheets and within them. In addition, the index sheet should serve to direct users to the appropriate sheets detailing its components. In addition, the TIS, which was submitted after the Preliminary Plat’s submission for TAC review, does not appear to reflect the fact that all proposed residential parcels, except for Parcel 1, are now shown to the west of the crossing of the Little Elk Creek. The trip distribution traffic volume burden will likely shift commensurately to Marley Road.

While this Preliminary Plat is consistent with Concept Plat density approval, there have been significant layout changes – which the Planning Commission may feel are inconsistent with the approved Concept plat.

Parcel 1’s layout has been changed, and its density has been changed. The approved Concept Plat proposed 240 d.u.’s; this Preliminary Plat now proposes 251 d.u.’s. Not all roads in the new layout appear labeled, and some road names have been changed. Some townhouse units do not have adequate rear year access.

Parcel 2 has been relocated from Blue Ball to west of the Zeitler Road crossing of the Little Elk Creek. It continues to show 160 d.u.’s, but the design has changed slightly. It is indicated that there are 152 surface spaces; by actual count there are 154. Such basic inconsistencies must be corrected. Unless the floodplain boundary has actually been satisfactorily tied to field topography, Parcel 2’s structures may be in the floodplain – which shall not be permitted. Site Plan-level detail has not been provided for this proposed condominium component.

Parcel 3 is in the same location, but its layout changes include the moving of the potable water treatment plant to the south of Zeitler Road and the number of lots has increased from 180 to 203. In addition, two unnamed private roads have been included – which will require this Preliminary Plat to be reviewed again before proceeding to the Planning Commission. Proposed lots 56-67, shown to front on an unnamed private road, will require a Variance from the Board of Appeals before they can be approved by the Planning Commission. What steps have been taken in that regard? McAnally stated no but what we are trying to do is rear entry garage and not fronting on the private road. Tony Di Giacomo stated the lot lines stop and need to be fixed. We can only comment on what is presented. Mr. Meiskin asked if lot lines are brought to the county road, do we then need to take the private road or the back alleys to the Board of Appeals. Mr. Di Giacomo stated not if they front on a public road. We would certainly recommend that these private roads or alleys be named so they can be identified in the case of needs of emergency response.

A condition of Concept Plat approval was that Note # 11 delete reference to alleys. An unnamed private road could, possibly be considered an alley, but it is labeled as a private road. Therefore, that condition of Concept Plat approval has not been satisfied.

Parcel 4's layout is the same, but 468 surface parking spaces have declined to 463, and 1188 total parking spaces have declined to 1183. The total number of d.u.'s remains at 540, but 2.2 parking spaces per d.u., as stated on Sheets 1 and 3, equals the original 1188, not the 1183 now proposed. Such basic inconsistencies must be corrected. Site Plan-level detail has not been provided for this proposed condominium component.

Parcel 5 is essentially unchanged. Site Plan-level detail has not been provided, but this portion is intended to be approved through the Site Plan approval process, as cited in Note # 19. After submission of the Preliminary Plat, a fax transmission and later hard copy was received from TWT. It stated that the applicant would not seek Preliminary Plat approval for Parcels 1, 3, 5, 6, 7, 8 and 9, contradicting Note # 19 with respect to Parcel 5. Such post-submission changes are patently unreasonable, making plat review by the members of the TAC exceedingly problematical.

The applicant was again reminded that Parcel 5's Site Plan must conform to all requirements in §291 and Appendix A of the Zoning Ordinance. If the plan is now to have Parcel 5 approved as part of the Preliminary Plat, then Parcel 5's Preliminary Plat details must conform to all requirements in §291 and Appendix A of the Zoning Ordinance. Once that is done, the Preliminary Plat can be resubmitted for TAC review.

Parcel 6 is in the same location and generally unchanged. The approved Concept Plat shows 56 d.u.'s; this Preliminary Plat now proposes only 55.

Parcels 7 & 8 are also in the same locations as previously. Some road names have changed. The approved Concept Plat proposed 89 townhouses for Parcel 7 and 72 single family d.u.'s; this Preliminary Plat now proposes all townhouses: 161 total d.u.'s. Sheets 1, 3, and 4 indicate the number of townhouses proposed to have increased to 180, but the Lot Area Table on Sheet 11 indicates the number to be 175. Such basic inconsistencies must be corrected for the plat to be reasonably reviewable.

Parcel 9 is in the same general location, but it has increased from 13 to 24.3 acres while switching from 128 townhouses to 76 single family detached homes. Its layout is also significantly different from that proposed in the approved Concept Plat, and there is one unnamed road proposed – which will require this Preliminary Plat to be reviewed again before proceeding to the Planning Commission. What was proposed as Winchester Drive is now shown as Buckingham Drive. On the approved Concept Plat, Buckingham Drive was in Parcel 8.

Parcel 10 remains in the same general location. Site Plan-level detail has not been provided, but, as with Parcel 5, this portion is intended to be approved through the Site Plan approval process, as cited in Note # 19. 70,000 ft² is still proposed. Parcel 11 is depicted on Sheets 1, 4, and 9.

Sheet 1 indicates that 1465 d.u.'s are proposed. However, the aggregate from the Lot Area Tables on Sheet 11 added to the 700 condominiums found on other sheets suggest a total of only 1460. Such basic inconsistencies must be corrected. Once that is done, the Preliminary Plat can be resubmitted for TAC review. Note # 3 must cite the Zoning Case Number: 2005-11. A Note must state that a Variance will be required in Parcel 3. (Note # 15 is too vague.)

As stated at all previous reviews, the condominium components will require a separate approval process. That process requires Preliminary Plats/Site Plans, from which building permits can be obtained. This Preliminary Plat cannot be approved because it includes Parcels 2 and 4 which is sometimes shown to consist of condominiums. The condominium components must not be included in any Preliminary Plat submission to the Planning Commission. Any Preliminary Plat/ Site Plan must be reviewed by the TAC prior to its submission to the Planning Commission.

The applicant was reminded that verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for the condominiums and was a condition of Concept Plat approval.

The applicant was further reminded of other conditions of approval for the condominium phases, including:

- 1) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans;
- 2) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans;
- 3) The name of the water company providing the water being included on the Preliminary Plat/Site Plans; and this addresses a previous comment about is it final or is it preliminary. The fact that a couple of those were condos and this is why the comments. Mr. Pugh stated but the condos are off. Mr. Di Giacomo stated again, I understand this was probably at least as difficult and complex to prepare as it was to review, but this is but one of a number of projects that all the folks at this table had to review for today. To come in after it has been submitted and say that you

really didn't mean that. You must submit as it is to be reviewed. Mr. Meiskin asked how Mr. Di Giacomo would like them to show the condo future development. Mr. Di Giacomo stated he would prefer Future Phase II or Future Phase IV Development. You could lighten it up as was done for Chesapeake Club. A lighter grey background to contrast it against the preliminary.

- 4) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Parcel/Phase 4; and
- 5) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission.

What progress has been made regarding site plan approvals for the water and waste water plants and all associated facilities? Mr. Pugh stated this is too far in future.

Under "Land Use Summary" open space calculation, the condominium acreage has remained the same despite Parcel 2's increase of $\frac{6}{10}$ of an acre and Parcel 4's increase of $\frac{2}{10}$ of an acre. Such basic inconsistencies must be corrected. Also under "Land Use Summary," the aggregate non-condominium residential acreage has increased 6.8 acres, the condo acreage has increased $\frac{8}{10}$ of an acre, and the common open space has increased 7.84 acres. Yet, the total RM acreage has remained the same. How is that possible? Once that is corrected, the Preliminary Plat can be resubmitted for TAC review.

The plat indicates that Parcels 2 and 4 are intended as condo components of this project; however, the "Land Use Summary" refers to them as apartments. Such basic inconsistencies must be corrected. The applicant is reminded that Concept Plat approval was predicated upon 2 parcels being proposed as condominiums, not apartments. That needs to be resolved. They are either apartments or condos.

As stated at all previous reviews, Parcel 10's commercial development must be approved by major site plan, per §32 and §291. There remains some confusion as to timing because Parcel 10 is shown as Phase 9 in the estimated phasing plan on sheet 1. As stated at all previous reviews, per §36.2.a, any industrial proposal on the M2 lands must be approved in accordance with §291.

A condition of Concept Plat approval was that the Preliminary Plat or Preliminary Plat/Site Plans documenting that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers. Is Note #22 intended to satisfy that requirement? If so, then it does not. Mr. McAnally said no, but we did as built the height of the towers and we are trying to coordinate with Conowingo exactly what they think the fall zone of the towers is. We still have to coordinate with Conowingo on that. The towers are about 173' high.

The RM zone permits a maximum base density of 2/1, or 6/1 with community facilities; 12/1 for townhouses and 16/1 for apartments. The approved Concept Plat proposed 1,465 dwelling units on 373.8 acres, for a proposed density of 3.92/1.

Slopes greater than 25% 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'. Several proposed structures are depicted near the 100-year floodplain boundary – which has now been labeled. Per §241.2.d (1), building sites within the 100-year floodplain boundary cannot be approved. 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. What progress has been made in securing the required JD? Mr. Meiskin stated they are trying to get the letter from the Corp of Engineers. All they have said is they are backed up and they can send a letter to say they are backed up. Mr. Di Giacomo stated it must be completed prior to Preliminary Plat review by the Planning Commission.

This proposal appears to satisfy the common open space requirements of the RM zone, which must be based upon 373.8 acres, if 373.8 acres is the correct figure. 15% common open space is required for the single family home portion phases; 20% is required for all others. As stated at previous reviews, these distinctions must be reflected in the “LAND USE SUMMARY,” but that has not been done. Once that is done, the Preliminary Plat can be resubmitted for TAC review. The “LAND USE SUMMARY” reveals that the combined common open space and condo common areas' acreage have increased to 166.24 acres, which is 44.47% of 373.8 acres.

As stated at previous reviews, and as was a condition of Concept Plat approval, the C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat. That has not been done. Once that is done, the Preliminary Plat can be resubmitted for TAC review.

Proposed common open space must be consistent will all applicable provisions, including §176. The water and wastewater treatment plants are now shown in the common open space. No access roadways or parking areas are depicted. The treatment plants, their access roads, and parking areas cannot be included as common open space. Has their acreage been deducted from the common open space total? Mr. McAnally stated no, not yet. If so, then how was the roadway and parking area acreage calculated, based on what? Threshold does not appear to be an issue but it needs to be spelled out.

25% landscaping of the development envelope is required in the RM zone. Note # 13 of the approved Concept Plat indicated that, consistent with recommendations for the RM zone, sidewalks were proposed on both sides of streets, except where bike trails would be substituted on one side. The pedestrian access plan on sheet 9 is in stark conflict with that aspect of Concept Plat approval. The applicant is again reminded that §4.1.22 requires Preliminary Plats to be drawn at 100-scale.

Note # 9 states that this submission is invoking the provisions of §6.1 regarding “residential cluster development.” Note # 10 cites the requirements of §6.1.5 (a) (b) & (c).

The plat also indicates that Parcels 2 & 4 are proposed as condominiums, although the “LAND USE SUMMARY” indicates apartments. However, after submission of the Preliminary Plat, a fax transmission was received from TWT. It stated that the applicant

would not seek Preliminary Plat approval for Parcels 2, 4, and 10. That transmission left the condo-apartment question unresolved. The applicant was reminded that for all other proposed Phases or Parcels, no building permits shall be issued prior to Recordation of final Site Plan approval.

§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. In no case should a parking space on part of an individual lot and common open space. Have all the acreages been included in the common open space? The Preliminary plat needs to be precise.

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.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Blue Ball and Marley Roads. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads, including Zeitler 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 has been approved. The PFCP hasn't been submitted; it must be approved prior to the Planning Commission's Preliminary Plat review. The FCP and Landscape Plan must be approved prior to the Planning Commission's Final Plat review. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Therefore, all must be given proposed names on any Preliminary Plat resubmitted for TAC review. So far, the names Lancaster Drive, Jacobs Way, Tudor Terrace, Hastings Drive, Barkley Court, Wellington Terrace, Thames Way, Hedley Drive, Wessex Terrace, Griffin Drive, Edinburgh Drive, Devonshire Drive, Goodrow Terrace, Winthrop Drive, and Hampton Way have been approved, and Winchester Road has been disapproved.

The required TIS was submitted the same day as the TAC submittal. The TIS is still under review, but there appear to be trip generation and distribution issues. §7.2.12.E.4 requires 750' of separation between intersections on SHA roads. That separation has now been achieved for the 2 entrances on Blue Ball Rd. (MD 545).

Access to common open space between lots must be marked with concrete monuments. A Homeowners' Association (HOA) for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. All fee-simple lot owners must be members. For those parcels that may be

intended as condominium components, a Condominium Association must be established prior to recordation. In addition, if the condo owners are to have access to the common open space and the proposed Community Center, then the condo owners must also be members of the HOA, with \$50 per recorded condo unit being placed in escrow for improvements prior to recordation.

The water and wastewater plants and all associated facilities must be approved as major site plans per §291, prior to Final Plat review by the Planning Commission, except for Phases 2 and 4 – if they are condos. For those phases, the site plans must be approved prior to the Planning Commission’s review of the respective Preliminary Plat/Site Plans. They must also be approved prior to site plan final approvals for Parcels 5 and 10.

In addition, if it is a community sewerage system, it must be consistent with all provisions of §175 of the Zoning Ordinance.

Note # 8 indicates that a 25’ peripheral bufferyard is required. In addition, per §187.2, additional bufferyards may be required between the RM and BG and M2 zoning districts within the development tract, and buffering landscaping may be required as Landscape Plan components of the respective Site Plans for the water and sewer facilities.

The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. The Master Water and Sewer Plan classifies this site as W3 and S3. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

Verification of the capability of the proposed water system to serve all proposed dwelling units must be received from MDE prior to Final Plat review by the Planning Commission for Phases 1, 3-4, and for all the parcels that are not condo sections. Said verification must precede the Planning Commission’s review of the Preliminary Plat/Site Plans for Phases 2 and 6, and Site Plan approvals for Parcels 5 & 10.

Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE must be submitted prior to Final Plat review for Phases 1, 3, and 6-9. It must precede the Planning Commission’s review of the Preliminary Plat/Site Plans for Phases 2 & 4, and Site Plan approvals for Parcels 5 & 10.

The identity of the waste water treatment plant must be included on the Final and Record Plats for Phases 1, 3, and 6-9. It must be included on the Preliminary Plat/Site Plans for Phases 2 & 6 and respective Site Plans for Phases of parcels 5 & 10.

The name of the water company providing the water must also be included on the Final and Record Plats for Phases 1, 3, and 6-9. It must be included on the Preliminary Plat/Site Plans for Phases 2 & 4 and respective Site Plans for Phases of parcels 5 & 10.

As was a condition of Concept Plat approval, fire hydrant locations must be selected in consultation with the Department of Public Works and the Singerly Fire Company. Has

Singerly Fire Company had input with respect to the proposed fire hydrant locations? Mr. McAnally stated they have forwarded the plans to them for their review and have not heard back.

As they are attractive hazards, serious consideration should be given to the installation of protective fencing around the numerous stormwater management facilities. Confirmation must be received from the Conowingo Power or successor entities prior to Final Plat review that all proposed roads (only Zeitler Rd. shown at present) as well as any sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the utilities within the utility corridor. All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts must be received prior to Final Plat review of the non-condominium Phases 5-8, or Preliminary Plat/Site Plan review for Phase 4. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

This Preliminary Plat is has sufficient inconsistencies, unsatisfied conditions of Concept Plat approval, and unanswered questions, that, after such deficiencies have been remedied, a revised version must be reviewed by the TAC prior to submission to the Planning Commission for review and approval. If a Preliminary Plat is submitted to the Planning Commission without first having been reviewed by the TAC, then it will not be accepted and returned to the applicant.

8. Stoney Run Apartments, Concept Plat, 72 Units, U.S. Route 40, McCrone, Inc. Fifth Election District

Mike Burcham and Dan Speakman, McCrone, Inc., appeared. Mr. Burcham provided an overview of the project. The developer is Delaware Valley Development Company. The project is located on the south side of Route 40, just west of Rte. 272 and also just west of the Northeast Station Shopping Center. The property is zoned RM and is located in the development area. We are proposing 72 units. We proposed to have North East water service and to use the CC DPW sewer system. The total property is 9.14 acres and is made up of two parcels. It is all of parcel 856 and a portion of parcel 626, currently the lands of George Rudy.

Mr. Graham had no comments. Mr. Markwardt stated bus service would be provided to Rudy Drive and Highway 40, so you may want to consider a bus shelter at the corner of Rudy and Highway 40. Mr. Markwardt asked when they would be starting. Mr. Burcham stated they hope to start construction on this project in about two years. This will be a combination of 1,2 and 3 bedroom units so it will be very difficult to project the number of students that will come from this project.

Mr. Brown reported the proposal will require an erosion and sedimentation control plan be submitted to the SCS District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided.

Mr. Woodhull stated a SWM plan, Road & Storm Drain plan, sanitary sewer system plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. It is the Department's understanding that the Town of North East will

own the water distribution system in this development. Have you requested a water allocation from the Town of North East? Mr. Burcham stated they had not at this time. 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. All easements for the water lines must be reflected on the final plat. Based upon the current permitted WWTP capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval, concept through final, no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at their own risk. Any permits required for disturbance of a regulated wetland or wetland buffer shall be obtained by the applicant prior to Departmental approval of a plat for record. Is Rhudy Drive proposed as a County or Private Street? Mr. Burcham stated he does not know that answer. The developer is still in the process of making a determination with the current property owner as to whether that road would be of benefit to his remaining lands, but it will be designed to county standards. The right-of-way and horizontal geometry shown for the Rhudy Drive is not approvable and must be revised to meet the requirements of Section 3.04.1 of the Road Code in regards to sight lines remaining within the right-of-way. Rhudy Drive, as shown, also does not meet the requirements of Road Code Standard R-7 and must be revised to meet the same. Rhudy Drive must be extended to the right-of-way limits and terminated in a temporary tee turn around. A SHA access permit is required. The single access and geometry with parking locations adjacent to the same does not appear to adequately provide for emergency or delivery vehicle ingress and egress. The Department recommends you revise the layout for two access locations along Rhudy Drive, tangent to the loop road alignment, with the west access road intersecting at right angle stop conditions with Stony Run Circle. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The internal street right-of-way tapers are not shown correctly. Show the sidewalk layout on the preliminary plat. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Stormdrainage easements must be separated from private stormwater management and access easements. Show the public sewer easements, existing and proposed, on the preliminary and final plats.

The following standard notes and requirements apply to this plat and project:

- 11.1* The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 11.2* Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 11.3* Compliance with Section 3.07.15 of the Cecil County Road Code.
- 11.4* Requirements for Utility relocations.
- 11.5* Requirements for Public Works Agreements.
- 11.6* Requirements for Stormwater Inspection and Maintenance Agreements.
- 11.7* Requirements for County Roads .
- 11.8* Requirements for Driveways.
- 11.9* Requirements for Final Plat - Public Water and Sewer Allocation.
- 11.10* Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
 - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Theodore Road be upgraded to a Collector Road, Cecil County Road Code Standard R-7 for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Pulaski Highway may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each

phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Developer must request and obtain a public sewer allocation from the Department of Public Works and a public water allocation from the Town of North East before submitting a final plat to the Cecil County Planning Commission for approval.
10. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Kyte asked if applicant feels there are enough parking places. Mr. Burcham stated they exceed the required parking. Mr. Kyte continued, then you won't have a problem with putting up no parking signs on Stoney Run Circle and all the way around where the street is only 24' wide. Work with the local fire company regarding hydrant placement.

Mr. King stated a TIS will be required. Also, there will be no direct access onto US 40. All access will be to Rhudy Drive. It appears the accel and decel lanes are not long enough and we will have to work with you on those. Also, we don't want to taper curb in. Rhudy Drive should be at least 26 ft wide at entrance. Storm drain plans must be submitted for review.

Ms. Latham indicated that no GAP is required. Mr. Moore read CCDEH comments. See attached. USACoE states any proposed impacts to waters of the United States, including nontidal wetlands, will require DA authorization.

Mr. Di Giacomo stated that this proposal was found to be in compliance with §3.8. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is RM, which permits a maximum apartment density of 16 du/ac. This Concept Plat proposes 72 apartment units on 9.14 acres, for a proposed density of 7.88/1. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. 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'. If you are going to ask for a variance, include it by note on the PC submission and provide documentation regarding water quality, preferably quantitative as it strengthens your position. It could be qualitative in nature or both. Mr. Di Giacomo advised he would do this at Concept for PC. If you don't get it, and then therefore this design were not possible, then you could conceivably have to come back, even though you have Concept Plat approval in hand. 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.

20% open space is required in the MR zone, 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. The open space sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

25% landscaping of the development envelope is required in the RM zone. Sidewalks are recommended. Apartment buildings shall be set back at least 20' from all parking areas and internal roads. 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. The maximum length of an apartment building is 300 feet .

Bufferyard Standard C is required, outside the right-of-way, along the US 40 road frontage. Street trees will need to be incorporated into the Landscape Plan along both sides of the proposed Stony Run Circle. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. 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 must be approved prior to Planning Commission review of the Concept Plat. 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. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The road names Rhudy Drive and Stony Run Circle have been approved. A Traffic Impact Study (TIS) will be required. §29.5.a (2) stipulates: "A minimum 25 foot bufferyard meeting the C standard in Appendix B shall be provided around the perimeter of the development tract. No parking areas, roadways, or accessory structures shall be permitted in the 25 foot planted buffer." Therefore, this layout design will have to be modified prior to submission to 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 water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. The Master Water and Sewer Plan classifies this site as W1 and S1. Documentation of water allocation must be provided by the applicant prior to the Planning Commission's review of the Final Plat. Documentation of sewer allocation/capacity must be provided by the applicant prior to the Planning Commission's review of the Final Plat. Fire hydrant locations must be selected in consultation with the North East Fire Company and DPW.

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

Mr. Burcham asked Mr. Woodhull about item #6, regarding the single access and the geometry. We looked at the curve radius to accommodate a single axle 40' long vehicle to make the turning radius. It seemed to be adequate for a turning radius for a vehicle at a 40' length. Mr. Woodhull stated they should certainly make their case for that. This is Fred Orr's comment and Mr. Woodhull stated he is not sure if this is just a suggestion. Mr. Burcham stated they originally had the access at the northern most point and that seemed to be too close to the intersection of the entrance on and off of Route 40 and we subsequently moved it to the center of the project. Mr. Woodhull stated the recommendation would be the two access locations.

10. Chestnut Ridge, Concept Plat, 33 Lots, Grove Neck Rd./Stemmers Run Rd., Vollmer Associates, LLP, First Election District

Mike Pugh and Joel Comando, Vollmer Engineering, appeared, and Mr. Pugh stated they are returning after the PC rejection of bonus density. We are now seeking Concept approval for 33 lots, based on the 8 acre density plus the subdivision section 2.4.1 in which minor subdivision lots internally may be created and added to the process in order to avoid multiple strip road front lots. We are seeking now to bring road between Stemmers Run Rd. and Grove Neck Road. The acreages of the lots are approximately in the 2 acre area. The previous had been in the one acre category. We are preserving Lot 33, which is about 75 acres and are attempting to maintain some preservation of the agricultural area.

Mr. Graham stated he received a phone call from Jim Byer who is very concerned that this is still as it was before about trying to preserve land. He also feels there should be a TIS for Stemmers Run and Grove Neck Rd. Stemmers Run Road is in terrible condition and has very little traffic compared to what the traffic would be if this project goes through. He also had a letter from Owen Thorne stating here we go again. He said the project was denied last month and there is no reason to approve it now. The new plan appears very similar to the old one with 33 lots, small and within sight of rural Stemmers Run which is a mess, is narrow and not maintained well. It should not be pressed to support new growth without a complete overhaul. Perhaps the developer would re-engineer and re-build the road and make it a contingency along with the various intersection improvements out to 213. The land requested is now mostly farms with some woodlands with farms and widely spaced homes all around. The proposed development, suburban, small lot sizes is out of character with surrounding area and would adversely impact those living in the farming area. Also, this is also part of the Sassafras Rural Legacy area, an area of intense investment of State and County agricultural and open space preservation dollars. Such uncharacteristic housing threatens out future state funding. We know about our school system and this rural area is many miles from Sheriff and Emergency Services and calls for such services continues to go up and up. Why not direct growth back toward the growth corridor and deny this project once and for all. If they come back with a project in keeping with the surrounding community then we will see. Jim Mullin wrote and is concerned about the project and the entrance on Stemmers Run Road. Stemmers Run Road is in serious physical deterioration with only several years of economic life remaining for this road. The reality is a serious reconstruction and rehabilitation project is going to be

required for Stemmers Run Road. This is even before a major residential subdivision entrance with 33 lots is approved for this deteriorating roadway. Stemmers Run Road is a long and narrow road with several ditches, pitches and bottoms located along the roadway. The site distances are very poor given the pitch and narrowness of the roadway where the Stemmers Run entrance way is proposed. There is no turning radius presently available for emergency vehicles such as fire engines and tanker trucks to enter and exit the Stemmers Run Road or the Grove Neck Road entrance as well. Both entrance ways will require substantial upgrades and improvements in order for these types of emergency vehicles to be able to enter and exit given the zero turning radius which both roadways possess in their present state. A TIS should be required to measure the amount of traffic at Stemmers Run Road and Grove Neck Road. Given the poor condition of Stemmers Run and the seasonal second home communities which are located throughout this area we already put pressure on the transportation grids of the area. A 33 lot subdivision will only going to increase the pressure on the roadways in this area. An accurate forecast should be made as part of the process.

Mr. Markwardt asked if there will be sidewalks on Chestnut Ridge Drive. Mr. Pugh stated he thinks not. Mr. Markwardt stated that the road will be a short cut road for some people since it connects on both ends, Mr. Markwardt asked for the size and price of the homes anticipated and when the project would begin. Mr. Pugh stated probably 3000 –4000 sf homes and we would probably expect them to start in 2007. Mr. Di Giacomo interjected that this is project is proposed in the Sassafras Rural Legacy District and the residential densities here are quite low and the gravity that would affect the trip distribution would be oriented more toward the north and the east and we would question how many automobiles there would be coming southbound on Stemmers Run Road. Mr. Markwardt stated he doesn't know; however, for some people two is too many. Mr. Pugh stated that there are responses to what your issues are. It is like everything else, everybody has agendas for things that they are trying to achieve, properly, within their own confines. From an emergency services standpoint the accessibility and not having them as two cul-de-sacs would probably be preferable as opposed to having them established as cul-de-sacs so that no through roads could be made and the issues you are speaking of would not be present. We are trying to make the best judgment of threading the needle through there. Mr. Di Giacomo stated that certainly one of the agendas that we have is the limitation of impervious cover in this area. I don't know what the solution would be, but we would not be inclined to recommend curb and gutter with sidewalks.

Mr. Brown said the proposal will require an erosion and sedimentation control plan be submitted to the SCS District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided.

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. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Any existing rights-of-way should be identified by deed reference on the preliminary plat. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). If the existing wet pond is intended to serve a stormwater management function, then a geotechnical analysis

of the embankment is required, along with a Maryland professional engineer's analysis of the pond and outfall structure condition and hydraulic performance. The pond analysis must address any relevant MD 378 Pond Code criteria. The analysis must be submitted to the CCDPW in the form of an engineering report, signed and sealed by a Maryland licensed professional engineer. If the pond is to be maintained by the HOA or lot 33's owner, but not perform a stormwater function, the lot deed restrictions must note the maintenance responsibility. Public Stormdrainage easements must be separated from private stormwater management and access easements. Roadside grading for clear line of sight will be required at one or both of the proposed County Road access locations and the same must be shown on the entrance final grading plan. I would also ask that the entrance location at Grove Neck be staked. You have fairly decent site distances, but if you mark it we can confirm if we see any over verticals that need to be addressed. Mr. Pugh stated they will do that right away.

The following standard notes and requirements apply to this plat and project:

- 7.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 7.4 Requirements for Utility relocations.
- 7.5 Requirements for Public Works Agreements.
- 7.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 7.7 Requirements for County Roads .
- 7.8 Requirements for Driveways.
- 7.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code requires that Stemmers Run Road and Grove Neck Road be upgraded to a Minor Road standard for 100' either side of the proposed entrances. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. This also applies to the intersection R.O.W. dedication at Stemmers Run and Grove Neck Roads. The internal street grade leaving Stemmers Run and Grove Neck Roads may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Stemmers Run Road and Grove Neck Road access locations to DPW prior to preliminary plat submittal. Mark the proposed Stemmers Run and Grove Neck Road entrance locations in the field by a survey stake or paint.

Mr. Kyte discussed ponds and dry hydrants with Mr. Pugh, who stated the last time they had an off line conversation about this, there was some concern about the elevations. Mr. Pugh continued that he had not had a chance to speak with Mr. Comando about this at length, but what we would like to do is see from an engineering standpoint if we can satisfy using the existing pond with a pump with a line to a hydrant on the roadside. We would like to look at this and do some cost analysis comparisons to installing a tank. We are mindful of the issue. Mr. Kyte stated anytime you are using a dry hydrant, you need water to be up in the pipe to at least 10 feet from the top of it to make it a truly useable pond. Mr. Pugh again stated they would like to do some analysis and cost comparisons and confer with you about it. Mr. Kyte stated he would like to see a tank in the middle and with 3000 to 4000 sf homes a 30000 gallon tank. If you put it at one end, it is a pretty good distance around there, probably about 3000 sf and if you put it in the middle, one truck carries about 1400 feet of hose. Mr. Pugh asked who would own the area and the tank and if that would be on some lot owners property, is it cut out as a separate stand alone piece, and does the HOA own it. Mr. Di Giacomo stated our preference clearly is that it be on common open space owned by the HOA. Mr. Kyte stated that the only other thing he would need is roughly a 10' pull off that they can get off road and let the equipment go wherever it needs to go. What is road width? Mr. Pugh stated it is 24' and

will have gravel shoulders. From the neck of the tank to the pumper. Mr. Kyte stated they need a 6 foot distance. Mr. Kyte stated the ideal place for the tank is between Lots 24 and 25. Between 8-9, 9-10 or 24-25, anywhere in that area we can work with. Mr. Pugh stated they will get back to Mr. Kyte on that issue when they get further down the road.

Mr. King had no comment. Ms. Latham indicated her comments are covered with the CC DEH comments. Mr. Moore read CCDEH comments. See attached. Additional test will be required after Preliminary Plat review by the TAC. USACoE states any proposed impacts to waters of the US, including nontidal wetlands, will require DA authorization.

Mr. Di Giacomo stated that this proposal was found to be in compliance with §3.8. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is SAR, which permits a maximum base density of 1 du/ 8 ac. This Concept Plat proposes 23 lots on 188.86 acres for a proposed bonus density of 1/8.2. In addition, it invokes §2.4.1 for the 2 parcels record, proposing 10 additional minor subdivision lots. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. Proposed Lot 33, consists of over 40% of the total acreage. The proposed common open space, which must be labeled and referred to as such, consists of 17.42% of the total acreage.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25% must be shown on the Preliminary Plat. A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'.

A 25' buffer, not shown on the plat, 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.

None of the proposed lots exceed the 3:1 length to width ratio established in §7.4.2. No landscaping of the development envelope is required in the SAR zone, and no sidewalks are recommended. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Grove Neck and Stemmers Run Roads. In lieu of those Bufferyards C, staff would support a modified Bufferyard A in the common open space, roughly bordering proposed Lot 33. That would better preserve and support the rural character of the area. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Chestnut Ridge Drive. 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 FSD has been approved. All specimen trees have been shown, but the locations of their critical root zones have not – as was a condition of FSD approval. 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. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The road name Chestnut Ridge Drive has been disapproved. Another must be approved by the 911 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. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Pugh asked if in FSD comments and the statement about as a part of that approval the critical root zone be delineated. Mr. Di Giacomo stated the comment said subsequent submissions, but that was intended was for the Preliminary Plat. Mr. Pugh stated they have already submitted a drawing showing the location of all the trees and have demonstrated that we have applied a buffer all around those trees and we exceed that and now have included more land in open space and away from the trees and are not intending or proposing any construction close to those trees. If we need to do something else, we would like to know what it is. Mr. Di Giacomo stated it would behoove them to mount that on a board and show that to the Planning Commission. Mr. Pugh stated he would be happy to do that, but he wants to be sure that at the staff level he is not going to have some adverse comment taken to the PC that he is missing, that he is perfectly willing to give them, but that he does not know about. Mr. Di Giacomo stated that a reasonable interpretation of that condition is that subsequent submission would mean Preliminary Plat, however, even though it would not need to be shown in that level of detail on a Concept Plat, per §4.0.13, but any graphic you can provide explicitly demonstrating compliance could work only in your favor. Mr. Pugh stated okay and thank you.

Meeting adjourned at 3:25 p.m.

Respectfully Submitted,

Kathleen O'Connell

Cecil County Technical Advisory Committee (TAC)

March 1, 2006 9:00 a.m., Minutes

Present: Tony Di Giacomo (CCP&Z), Fred Orr (CCDPW), Mark Woodhull (CCDPW), Joe Moore (DEH), James Kyte (FA), Cynthia Latham (MDE), Bob Markwardt (CCBoE) arrived late, Chris Brown (SCS) left at lunch, Daniel Graham (Citizen's Representative), Kathleen O'Connell (CCP&Z).

Absent: Philip Cwiek (USACoE), James Reynolds (Delmarva Power), and Butch King (SHA).

Mr. Di Giacomo called the meeting to order at 9:05 a.m.

1) Stoney Acres, Lot 2, Preliminary Plat, Biggs Memorial Highway, McCrone, Inc., Fifth Election District

Don Sutton, McCrone, Inc. and Mary Sue Slagle, Developer, appeared and Mr. Sutton presented an overview of the project. They had been awaiting seasonal perks which have now been completed.

Daniel Graham, Citizen's Representative had no comment. Mr. Di Giacomo said that Mr. Marquardt, CCBoE, will be arriving late; however, he called and has no comments regarding this project. Chris Brown, Soil Conservation Service, read comments and presented the comments and appropriate maps to the applicant.

Fred Orr, DPW, said a SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. A SHA access permit is required. The offset between the septic reserve areas and any onsite SWM ponds must meet Health department requirements and the consultant must confirm the offset with the Health Department before submitting any pond designs to DPW.

Lots 1&6 are denied access to MD Rte 274 and a note to this effect must be placed on the final plat. The following standard notes and requirements apply to this plat and project:

- 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note
- 4.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 4.3 Requirements for Utility relocations
- 4.4 Requirements for Public Works Agreements
- 4.5 Requirements for Stormwater Inspection and Maintenance Agreements
- 4.6 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be*

submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”

- b. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
 4. A Public Works Agreement is required for the private mini road & storm drainage construction.
 5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 6. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving MD Rte 274 may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

James Kyte, Fire Chief’s Association Representative, asked if the mini road would have a wide gravel shoulder. He stated he would like to have enough room for passage of fire equipment. The cul-de-sac looks like it is a 75’ radius. Mr. Sutton said it is a 50’ radius to the right of way. Please try to allow enough room to allow for turning around fire equipment back there.

Ms. Latham, MDE, said no Water Appropriation Permit is required. Mr. Moore read the comments of CC Health Department. See Attached. Mr. Di Giacomo stated the SHA had no comments.

Comments of Department of the Army, Corp of Engineers, are as follows: Any proposed impacts to nontidal wetlands and other waters of the United States will require Department of the Army (DA) authorization.

Mr. Di Giacomo said upon inspection, this project was found to be in compliance with §3.8 of the Subdivision Regulations, regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is RR which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. The Concept Plat, proposing 6 lots, a private mini road, and common open space on 7.09 acres, for a proposed density of 1/1.18, was approved on 6/20/05, conditioned on:

- 1) The boundary line survey being completed prior to TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The Natural Heritage letter's being received, and any issues raised by the letter being addressed, prior to PFCP approval.

A Preliminary Plat, also proposing 6 lots, a private mini road, and common open space on 7.09 acres, was reviewed on 8/3/05. At that time, it was determined that the boundary line survey had been completed. A Preliminary Plat was submitted for Planning Commission review on 9/19/05, but withdrawn. A subsequent Preliminary Plat, proposing 5 lots, an area reserved for future development, a private mini road, and common open space on 7.09 acres, was reviewed by the Planning Commission on 10/17/05, and approved, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) North arrows being corrected to point north;
- 4) The adjacent property information being corrected; and
- 5) The misspelling of Kirks Mill Lane maps being corrected in the vicinity map.

The area reserved for future development in the Preliminary Plat approved on 10/17/05 corresponds to the proposed Lot 2 in the Concept Plat and this Preliminary Plat. No Final Plats have been submitted. No steep slopes are depicted. Has the JD been completed? Mr. Sutton said there are no wetlands on the property. No common open space is required for fewer than 10 lots; 18% is proposed in order to accommodate stormwater management facilities. No landscaping of the development envelope is required in the RR zone. No sidewalks are recommended. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Pebble Lane. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The FSD was approved on 6/17/05. The PFCP for lots 1 and 3-6 was approved on 10/15/05. The Lot 2 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. 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 Pebble Lane road name has been approved. Access to common open space between lots must be marked with concrete monuments. A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. A Mini-road Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots becoming members. The contiguous operating farm notice has been provided on the plat.

The north arrow in the vicinity map is pointing in a different direction than the north arrow on the plat. That must be corrected. The misspelling of Kirks Mill Lane in the vicinity map still must be corrected. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

2) Stone House Acres, Lots 1-8, Preliminary Plat, MD Rte 222, McCrone, Inc., Eighth Election District

Don Sutton, McCrone, Inc. appeared and presented an overview of the project. We had been waiting for seasonal perk tests which have now been completed.

Daniel Graham, Citizen's Representative, had no comments. Mr. Di Giacomo said Mr. Markwardt, CCBoE, had no comment. Mr. Brown, Soil Conservation Service, read comments and presented the comments and appropriate maps to the applicant.

Mr. Orr said a SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. A SHA access permit is required. The offset between the septic reserve areas and any onsite SWM ponds must meet Health department requirements and the consultant must confirm the offset with the Health Department before submitting any pond designs to DPW. The 'Common Open Space' note dedicating the common open space to a natural vegetated undisturbed state for purposes of stormwater management is in conflict with the proposed stormwater management BMP proposed.

Move the 10% mini-road profile grade section south from the cul-de-sac and lot 2,3,4 & 5 driveways, and flatten the grade crossing the cul-de-sac. Confirm that the 270' of stopping sight distance shown to the north along MD Rte 222 has been accepted by SHA. Stormwater management ponds designed in Use IV watersheds should be designed to significantly reduce or eliminate thermal impacts. Your stormwater management submittal must include this design element.

The following standard notes and requirements apply to this plat and project:

- 1.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note
- 1.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 1.3 Requirements for Utility relocations
- 1.4 Requirements for Public Works Agreements
- 1.5 Requirements for Stormwater Inspection and Maintenance Agreements
- 1.6 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the private mini road & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving MD Rte 274 may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Kyte, FCA, said he wished to thank applicant for the fire suppression tank you are installing. Contact me or the local fire company when you are ready to install that. We will need a pull off next to it so we can get fire equipment in. Give us as much road width as possible and try to be sure we can get turned around in the cul-de-sac. Ms. Latham said no GAP is required. Mr. Moore read the comments of CC Health Department. See Attached. Applicant was provided a copy of the SHA comments. Department of the Army, CoE, comments are as follows. Any proposed impacts to nontidal wetlands and other waters of the United States will require DA authorization.

Mr. Di Giacomo said this proposal was in compliance with §3.8 of the Subdivision Regulations. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is NAR & RR which permit a base density of 1 du/ 5 ac. The Concept Plat, invoking §2.4.1 to include 4 minor subdivision lots, the reconfiguration of Parcel 248 as proposed Lot 1, and 3 major subdivision lots on 21.36 acres, for a proposed density of 1/7.12, was approved on 10/17/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat; and
- 2) The correct zoning being placed on the plat.

Bonus density was not an issue. This Preliminary Plat is consistent with the approved Concept Plat. Has the boundary line survey been completed? Mr. Sutton said it 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. No common open space is required for fewer than 10 lots; however, .92 acres has been proposed on which to locate stormwater management facilities.

No landscaping of the development envelope is required in the NAR and RR zones. Sidewalks are not recommended. Proposed Lots 1 and 7 must be denied direct access onto US 222. Subject to possible modification for sight distance safety issues, Bufferyard Standard C is required, outside the right-of-way, along the US 222 road frontage. A screening bufferyard will be required along the adjacent BL-zoned property, per §187.2. Why hasn't one been depicted? Mr. Sutton said it will be taken care of before going to the PC. We were looking at the drainage issues and where we can put the screening in relationship to the drainage issues. Mr. Di Giacomo said that could be incorporated into the landscape plan. Mr. Sutton said it will be.

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 30-day response was exceeded, so the FSD's approval was conditioned upon our receiving the Heritage letter prior to PFCP approval. The habitats of any rare, threatened, and endangered species must be avoided. Mr. Di Giacomo said that could result in a species survey. 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. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The road name "Stone House Court" has been approved. Access to common open space between lots must be marked with concrete monuments. A Homeowners' Association

for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. A Mini-road Maintenance 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 contiguous operating farm notice has been provided on the plat. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

3) Chippenham Hills, Lots 1-30, Concept Plat, Bennington Drive, McCrone, Inc., Fourth Election District

Harlan Williams, owner of property, appeared and provided an overview of the project. Mike Burcham, McCrone, Inc., appeared with Mr. Williams and said the property is zoned SR and borders the Maryland – Delaware line. We are presenting the 32 acre portion that is located in Maryland.

Daniel Graham, Citizen’s Representative, received comments from John Williams and Owen Thorne. Mr. Williams and Mr. Thorne were in opposition to the project and each had numerous questions. See attached. In response to the questions in the letters, Mr. Williams said this project, with a community system for both water and sewer, meets the Comprehensive Plan completely. A shared facility will be used for the sewer and water will be locked in to the Community Association, and will be maintained with a mandatory association and managed by a professional company. We have clustered the homes, which is encouraged in the Comprehensive Plan. Everything will conform to Board of Health requirements and State Health Department requirements. This letter comes from a man who has been fighting every development up there so far and I challenge him to say where we violate anything in the Comprehensive Plan, Subdivision Regulations, or Zoning. This project meets fully the Cecil County Requirements.

Mr. Markwardt, CCBoE, had not arrived, so Mr. Di Giacomo asked questions about access to the community. Applicant said that currently Cecil County public school busses go into Delaware and back into Maryland. Mr. Di Giacomo also asked for the size, price and when they would start assuming final approval from the Planning Commission. Mr. Williams said they would start within two months of final approval. The homes will be 3500 to 4000 sf minimum and the starting prices will be \$400,000.

Mr. Brown, SCS, read comments and presented the comments and appropriate maps to the applicant. Mr. Orr reported a SWM plan, Road & Storm Drain plan, community sanitary sewer plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The community water system will need DPW review and approval. If the water is intended to be for potable water only, e.g. not for fire suppression purposes, you will need to apply for and obtain a variance for the County standard specifications for water and sewer mains. If the water is for potable and not fire suppression, you may need to install a fire drafting tank within the community. What is the current physical condition of Bennington Drive, for example, is Bennington Drive constructed to the right-of-way limits shown and, if so, to what standard, dimensions, etc.? If you cannot do this today, we will be looking for something giving those specifications prior to going forward with the Concept Plat to the PC. We

are not looking for an engineering submittal at this point, but are looking for a description of the condition. Does the road actually come up to the state line so it can be joined and what if anything has you discussed with DeIDot about this interconnection? It is the applicants' responsibility to report on the offsite road conditions and establish them to be satisfactory under Section 2.7.1 of the Cecil County Subdivision regulations when the same are not owned or maintained by Cecil County. I cannot report on the condition of the Delaware roads as the maintenance authority. We are not the maintenance authority, so you will need to be prepared to present that information to the Planning Commission to ensure that the offsite road access will be adequate. Mr. Williams stated they do not have county roads in Delaware. There are either city roads or state roads. This is a state road that comes up to the property border.

For the community sewer system, who is the intended owner, operator, and maintenance entity? This question was already answered. You indicated the owner, operator, maintenance entity will be determined with approval of the Health Department.

The applicant must consult with the Cecil County Department of Public Works Roads Superintendent and Director's Office regarding the County's ability to provide ownership and maintenance of a Cecil County subdivision street without direct interconnection to the existing County or State of Maryland roadway network. The applicant is advised to make these consultations and secure a Departmental position on the same prior to requesting concept plat review by the Planning Commission. Show the sanitary sewer easements and general system (gravity sewer, pumping stations, forcemains, treatment facility, etc.) layout on the preliminary plat submitted for TAC review. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Stormdrainage easements must be separated from private stormwater management and access easements.

The following standard notes and requirements apply to this plat and project:

- 7.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Requirements for Utility relocations.
- 7.4 Requirements for Public Works Agreements.
- 7.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 7.6 Requirements for County Roads .
- 7.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the*

sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”

- b. *Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”*
 - c. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
 4. A Public Works Agreement is required for the streets & storm drainage construction.\
 5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.
 7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Because the project would have to be accessed from the DE side, make the contacts with Director of PW to find out if this is okay. We recommend doing this before Concept Plat is taken to PC.

Mr. Kyte asked if there would be sidewalks and curbing or will you have gravel shoulders. Mr. Williams said they did not plan on sidewalks. Mr. Burcham said the roadways were generated for open section roadways. Mr. Kyte asked if the roadway was a 22’ roadway going in. Mr. Burcham responded that it is and that it has 5’ shoulders and roadside ditches. Mr. Kyte asked if there would be a water tower for water supply. Mr. Burcham said that will be determined as they move forward with this project. Mr. Kyte said the serving Fire Company would be Singerly and they would have to come up through the city of Newark to get there. Mr. Williams said in the past, Newark responds

faster to the whole Glen Farms area. Ms. Latham, MDE, said they will need a GAP and will need a permit to construct a water distribution system. Mr. Moore made some changes to his written comments. A permit to construct a privately owned water supply must be issued by MDE prior to record plat approval. Identify the sewer and water system supply on the plat. See attached. Mr. Williams said originally when we worked with the state; they only wanted 8 houses into one field. Mr. Moore said he is not sure but he does not think so. The one thing that immediately needs worked on is to pin down a controlling authority. At one point the only controlling authority that would be approved by MDE was a public entity, not the Health Department, however, Mr. Moore thinks that position has changed, but he believes Chuck Smeizer, MDE, and the County Commissioners all three must be part of the controlling authority. Mr. Williams said there are operators that are licensed operators, licensed by the State. Ms. Latham said they can use a licensed operator. Mr. Moore said there is a requirement for escrow monies for replacement of water supply and sewer supply. This is one of the first projects we have had with the shared facilities concept.

Mr. Di Giacomo said there were no comments from SHA however, he said that there are subdivisions in New Castle County that extend into Bethel and Concord Townships in Delaware County, and New Garden and London Brittan Townships in Chester County, where the only way in or out of those Chester and Delaware County portions is through Delaware. It would behoove the applicant to contact DelDOT to see what arrangements DelDOT has, as we have no experience with one way in, one way out through Delaware. You might want to see what the precedent is. USACoE comments were that any proposed impacts to nontidal wetlands and other waters of the US will require DA authorization.

Mr. Di Giacomo reported that this proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is SR, which permits a maximum base density of 1 du/ 1 ac., or 2/1 with community facilities. This Concept Plat, proposing 30 lots, common open space and roadway, on 32.302 acres, for a yield of 1/1.077. A similar proposal, under the name "Lands of Harlan C. Williams" for only 15 lots was reviewed by the TAC on 6/6/01 and by the Planning Commission 6/18/01. That DISAPPROVED Concept Plat currently has no standing, although the FSD approved on 6/14/01 is still valid.

This property consists of 32.302 (was 32.256) acres in Cecil County and 5.279 acres of remaining lands in New Castle County. Final approval of this subdivision must be received in New Castle County prior to its recordation in Cecil County. In turn, at such time as the remaining lands in Delaware are developed, final approval of that subdivision must be received in Cecil County prior to its recordation in New Castle County.

Has any development been proposed on the remaining lands in New Castle County? Mr. Williams said no and they are going through the requirements and are not sure they will get more than two lots on this property.

OPZ previously solicited comments from the New Castle County Department of Land Use, the Newark Planning Department, and the Delaware Department of Transportation. New Castle County Land Use opposed the 15-lot proposal. The New Castle County Land Use Department previously commented that the 15-lot proposal “is not consistent with the most recently approved plan for this subdivision in New Castle County,” and that they are “opposed to the recordation of this plan.” They have not yet commented on the 30-lot proposal. The existing Bennington Drive is a public road, owned and maintained by DelDOT. They were previously satisfied that the roads in Delaware could handle the additional traffic generated by 15 lots.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25% have been shown, and must again be shown on the Preliminary Plat, although, note #5 would seem to indicate that the whole thing is 25% or greater. You need to change that graphic before you submit to the PC.

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 Christina River stream buffer has been expanded to 160' on proposed Lot 24. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A JD must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. This plat proposes 17.771 acres, or 55%, common open space. 15% is required. The excess is accounted for by the fact that shared community facilities, which must be situated on common open space and must minimally consist of 10,000ft² per proposed dwelling unit, have been proposed, per §175. 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 calculations must again be included on the Preliminary Plat.

A minimum of 20% of the development envelope shall be landscaped in the SR zone. Sidewalks, in this case, are not recommended, as they would be inconsistent with the adjacent development in New Castle County and Wedgewood Road is narrow with no bicycle or pedestrian facilities. Rows of street trees, with 10' planting easements, are required, outside the right-of-way, along both sides of the proposed internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard

and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD was been approved on 6/41/01. Its 5-year validity will expire on 6/14/06. 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. 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 Bennington Drive and Park Look Circle have been approved by the 911 Emergency Center. There will need to be coordination between the 911 centers in New Castle and Cecil Counties in terms of emergency response between the Aetna and Singerly fire companies. Any access to common open space between lots must be marked with concrete monuments. A Homeowners' Association for maintenance of the required common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

All approvals needed in conjunction with the shared community facilities must be obtained before a Final Plat can be approved. In that regard, all applicable requirements of §175 must be satisfied, and the Master Water & Sewer Plan must be amended to include this parcel.

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. Moore said reference the two statements regarding forest disturbance in sewage area and common open space not appropriate for sewage area. We would look at a design on this system that would allow some of the forest canopy to exist. This would be done in the review process with MDE and you would have to identify all the trees in that area. Mr. Williams said they want to leave as many nice trees as possible...

Mr. Markwardt, CCBBoE, arrived and wanted to know the turn around radius on Bennington Drive. Mr. Burcham said it is 75' radius to the right of way line, but he didn't know the pavement radius. Mr. Markwardt said with a bus turning radius of 80', typically we ask for 100'. If these are to be county roads, we will not need worry about parking in the cul-de-sac as it is against the law to park on a County road. As long as he has a minimum 80' radius at that mid-point turn around, we can get in and out.

4) Lands of Josephine M. Boettcher, 21 Lots & Remaining Lands, Preliminary Plat, Oldfield Point Road, KCI Technologies, Inc., Fifth Election District

Brian Morgan and Paul Gutman, KCI Technologies presented an overview of the project. Mr. Morgan said a change is the combination of Lots 7 & 8 due to perc data; therefore,

we now show 21 lots. There is a slight modification in the open space and some lot line changes. 19.22 acres are required, and we are providing 32.09 acres of open space. We are showing a satellite recovery area on one of the lower lots, a change due to perc data.

Mr. Graham reported he had no comments. Mr. Markwardt said bus service will be provided at the intersection of Creek View Drive and Oldfield Point Road. Mr. Markwardt asked for the size and price anticipated for the homes. Applicant said the homes would be in the 3000 to 4000 sf range. Price will not be determined until a later date. Mr. Markwardt asked when they would anticipate starting the project. Applicant said they would begin within six months of final approval. Mr. Brown, SCS, read comments and presented the comments and appropriate maps to the applicant.

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. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Show selected general street profile grades on plan view. Acceleration and Deceleration lanes will be required and must be shown on the preliminary plat submitted for planning commission review. Move the stormdrain inlets away from the entrance curb returns and areas of turning traffic. Remove the less than right angle stormdrain structure alignments, add stormdrain manhole(s) where necessary.

Lot 21 is denied access to Oldfield Point Road. Add note to preliminary and final plat. As of 2/27/06, applicant's engineer has not supplied the required SSD measurements to DPW. This must be provided ahead of the preliminary plat submittal for planning commission so that it may be reviewed. SSD measurements have now been received and can be reviewed as he saw them yesterday. Any permits required for disturbance of a regulated wetland or wetland buffer shall be obtained by the applicant prior to Departmental approval of a plat for record. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). If a drainage swale/structure is required along the rear of lots 1-6 for stormwater management purposes, it must be shown, with dimensioning, as a private stormwater management easement. Public Stormdrainage easements must be separated from private stormwater management and access easements. As such, the panhandle between lots 19 & 20 must be widened to approximately 35' or stormwater management facility access must be constructed off of Oldfield Point Road. Additional right-of-way dedication is required along Oldfield Point Road, which will precipitate a change in the bufferyard 'C' location. See public works for the right-of-way dedication required and show the same on the applicable preliminary plat submitted for TAC and/or Planning Commission review. Label the right-of-way dedication as: 'Road right-of-way to be dedicated in fee simple to the Board of County Commissioners for Cecil County'.

The following standard notes and requirements apply to this plat and project:

- 11.1* The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 11.2* Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 11.3* Compliance with Section 3.07.15 of the Cecil County Road Code.
- 11.4* Requirements for Utility relocations.

- 11.5 Requirements for Public Works Agreements.
- 11.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 11.7 Requirements for County Roads .
- 11.8 Requirements for Driveways.
- 11.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Oldfield Point Road be upgraded to a Minor Collector Road standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Oldfield Point Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway

must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Applicant must provide stopping sight distance measurements for the Oldfield Point Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Woodhull asked if applicant had received his email with the Traffic Study. Applicant has received the email.

Mr. Kyte asked if there will be sidewalks and curbing. Applicant responded there will be sidewalks on both sides. Mr. Kyte suggests a minimum 22' wide streets and no parking signs on both sides. We would request a fire suppression tank at the entrance because there is no water there and a 30,000 gallon tank is preferred. We will also need a pull off next to the fire suppression tank. Mr. Kyte questioned the name of the little side street going to Meadowlark Spur, and if it is will it have a name? Mr. Morgan said Meadowlark Spur was a designation from their current Concept Plat. It is undetermined if there will be access at this point.

Ms. Latham said a GAP is required. Mr. Moore, read the comments of Health Department. See attached. There will be additional comments coming regarding 9, 8, 7 and 11 after the additional tests are done and located. Mr. Moore had a question for Mr. Di Giacomo; can a pressure line run through the 110' stream buffer on lot 13? Mr. Di Giacomo said he is inclined to think not, but will address it in our comments. SHA had no comments. U.S. Army Corp of Engineers commented that a DA authorization is required for the proposal. Impacts to nontidal wetlands and other waters of the US should be avoided/minimized by constructing spanning structures over waters of the US, utilizing existing crossings, reducing the number of proposed crossings, directionally drilling utility lines under nontidal wetlands and other waters of the United States, etc.

Mr. Di Giacomo said this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public. The zoning is SR which permits a maximum base density of 1 du/ 1 ac. The Concept Plat, proposing 22 lots plus remaining lands and 33.80 acres of common open space on 128.15 acres, for a proposed density of 1/5.57, was approved on 2/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) All common open space being labeled and referred to as such.

This Preliminary Plat is generally consistent with the approved Concept Plat, except that only 21 lots plus remaining lands are now proposed, with a new, lower density of 1/5.825. In addition, the proposed common open space acreage has been reduced to

32.09 acres. Has the boundary line survey been completed? Applicant said it 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 25% must be shown on the Preliminary Plat. What do the shaded areas represent? Applicant explained that this is the expanded buffer to 160' from the intermittent/perennial stream. Stream and wetland buffers 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 JD must be done prior to Preliminary Plat review by the Planning Commission.

This proposal satisfies the common open space requirements of the SR zone. "Common open space" still has not been labeled and referenced as such. In addition, the required C.O.S. sensitive areas thresholds calculations have not been included on the plat. They must be included prior to any submission to the Planning Commission. The applicant is reminded that, pursuant to §4.1.22 (a), OPZ will not accept incomplete Preliminary Plats. A minimum 20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on one side of all internal roads. Bufferyard Standard C is required, outside the right-of-way, along the road frontage 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.

The FSD was approved on 1/13/06. There are no habitats of rare, threatened, and endangered species. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. No forest retention areas have been depicted. 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The road names, "Creekview Drive" and "Meadowlark Spur," 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, unless the will be considered part of Forest Knoll and subsumed under its HOA. 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 "Overall Boundary" insert apparently continues to confuse the 110' Critical Area Buffer with the 1000' Critical Area Boundary. The Critical Area designation (LDA) still has not been included on the plat. The applicant is again reminded that, pursuant to §4.1.22 (a), OPZ will not accept incomplete Preliminary Plats. Even though the remaining lands are not proposed to be developed at this time, the Critical Area designation and limits must be shown on the plat. However, the 1000' Critical Area Boundary appears to have been confused with the 110' Critical Area Buffer.

The satellite septic area for proposed Lot 13 is confusing. Is it proposed to be located in common open space? Inasmuch as stream buffers are no-disturbance buffers, how can the pressure line through the stream buffer be justified? Applicant said they want to propose directional drilling and the open space calculations have been revised as the open space is part of Lot 13. The word “satellite” has been misspelled, and must be corrected. The Legend indicates that proposed lot lines are dashed, or broken, lines; however that is not what is depicted on the plat. That inconsistency must be corrected. §4.1.22 (r) requires that Preliminary Plats include a table containing the total number of lots, area of lots, density, total area and types of right-of-way dedicated, total area, etc. That table must be included on any submission to the Planning Commission. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month – and of the provisions of §4.1.22 (a).

5) Wilson Property, 10 Lots, Preliminary Plat, Dr. Jack & Rowland Roads, CNA, Seventh Election District

Eric McWilliams said the big change between the Concept Plat and the Preliminary Plat was the loss of 1.8 acres due to boundary survey. Talipia Court also changed alignment due to site distance issues. The private mini-road shifted a little due to the lock down of the A T&T easement.

Mr. Graham, Citizen’s Representative had no comments. Mr. Brown, SCS provided comments and maps. Mark Woodhull, DPW, said a SWM plan, street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Line of sight, intersection sight distance, and stopping sight distance must be addressed by the applicant’s engineer for the proposed Doctor Jack Road access location shown. A submittal addressing these items must be made to the Department prior to submittal of a preliminary plat for TAC review. Our recommendation is that we have Dawson Green and your surveyors meet out there and get a good eye for what is going on. Please get in touch with Dawson Green and set up a time convenient to everyone. Based upon field review by departmental staff, it appears that significant improvements to Doctor Jack Road may be necessary to address sight distance requirements. The Tilapia Court access to Doctor Jack Road must be revised for a right angle intersection and shown on the preliminary plat submitted for Planning Commission review. Fax or email a copy of the same to DPW for approval prior to submitting the revised plat. Road Code Section 3.07.15 requirements will be expanded in this case to provide an approvable over-vertical road profile for Doctor Jack Road, with suitable stopping sight distance, on either side of the proposed Tilapia Court access. The applicant/developer is responsible to acquire any road right-of-way needed as a result of the necessary improvements. Lots 1, 8 & 10 are denied access to Doctor Jack Road. The Lot 9 access to Tilapia Court is acceptable as shown, but must be denied access to Sashimi Court and will not be part of the Sashimi Court private mini road maintenance association. Lots 5 & 7 are denied access to Rowland Road. A denied access note must be placed on the final plat.

Correct the drafting errors associated with the county and private road entrance rights-of way tapers – see note 7 of the standard requirements for record. The proposed drafting

tank location shall be on a permanent easement outside the county right-of-way. A full section paved staging area shall be provided adjacent to the tank. The final plat must show the permanent easement and identify to which Fire Company it is dedicated to. The exact location and width of the AT&T easement must be shown on the preliminary plat. Applicant must confirm AT&T easement conditions and the legal right to construct the private mini road and county road over the AT&T easement prior to proceeding with a preliminary plat request before planning commission. The private mini-road entrance shall be paved to the private mini-road pavement standard within the Tilapia Court right-of-way.

The following standard notes and requirements apply to this plat and project:

- 1.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 1.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 1.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 1.4 Requirements for Utility relocations.
- 1.5 Requirements for Public Works Agreements.
- 1.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 1.7 Requirements for County Roads.
- 1.8 Requirements for Driveways.
- 1.9 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Doctor Jack Road must be upgraded to a Minor Collector Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for

minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the private mini road & storm drainage construction. A Public Works Agreement is required for the county streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Dr. Jack Road may not exceed 5% within the limits of the intersection right-of-way.
8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Tilapia Court may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. The mini-road entrance, within the county road right-of-way, must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Markwardt, CC Board of Education said bus service will be provided at the corner of Tilapia Court and Dr. Jack Road. We have a lot of stops in that area and may tie into those existing stops. He asked for the size of the homes. Applicant responded they will be probably 2500 to 3500 sf. Mr. Markwardt asked when they would begin the project. Applicant said they anticipate the fall or beginning of spring next year.

Mr. Kyte asked if there is a fire suppression tank. Applicant said it is at the base of the court. Mr. Kyte said it should be at the entrance and have a pull off at the right as you pull in there. We must have clearance to get to the tank. Mr. Kyte asked about sidewalks and curbing. Applicant said they are doing curbing but no sidewalks. Mr. Kyte would like 26' blacktop with no parking signs, but that would not include the mini-road. You are at 75' cul de sac and that should be enough turnaround with the driveways.

Ms. Latham said no GAP is required. Mr. Moore read Health Department comments. See attached. Additionally, the sewage areas for trailers needs to be removed from plat since that is not where sewage area is. Identify areas with slopes exceeding 25%. Sewage areas must be 25' away from steep slopes. This appears to affect the sewage areas on Lots 5 & 9. Do a field survey around those areas on those two lots as your topography is showing slopes there that are 25'. SHA had no comments. U.S. Army CoE comments are as follows. If there are any proposed impacts to nontidal wetlands or other waters of the United States, then DA authorization is required.

Mr. Di Giacomo reported this proposal to be in compliance with §3.8 of the Subdivision Regulations. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. The Concept Plat, proposing 4 minor subdivision lots and 6 major subdivision lots on 32.82 acres, for a proposed density of 1/5.47, was approved on 1/17/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat; and
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat.

Bonus density was not an issue, and this Preliminary Plat is consistent with the approved Concept plat. Has the boundary line survey been completed? Applicant said it 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. No slopes greater than 25% have been depicted. Stream and wetlands buffers 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. Has the JD been completed? Applicant said they believe it has, but they need to check.

15% common open space is required; only 14.99% is proposed. The required 15% must be presented on any plat submitted to the Planning Commission. No landscaping of the development envelope is required; no sidewalks are recommended. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Dr. Jack and Rowland 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. The FSD was approved on 10/4/05. Note # 26 cites the wrong date and the wrong file number (s/b 523). There are no habitats of rare, threatened, & endangered species on site. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. Forest retention areas have been shown. 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed road names have been approved. Access to common open space between lots must be marked with concrete monuments. As referenced in Note # 20, 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 referenced in Note # 21, A Mini-road Maintenance 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. Documentation of all necessary easement agreements with AT&T will be required prior to the Planning Commission's review of any Final Plat. The contiguous operating farms notice has been provided in Note #23. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Kyte asked if they checked with anyone about the fire suppression tank. Applicant said they pulled specs from a company, but can't recall who they used. Applicant asked if Mr. Kyte had a preference. He said whatever will meet code. You can put the tank long ways on the pull off on Dr. Jack as long as the curve is not more than 8 feet away from the neck of the tank. There is one (30,000 gal) in Mendenhall Square at Blue Ball Rd just above 273 if you want to see how one was installed.

6) The Villages at Herron Lake, Preliminary Plat, 1465 Units, Zeitler Rd./Blue Ball Rd, Taylor Wiseman & Taylor, Third Election District

Mike Pugh, Bob McAnally, TWT and David Meiskin appeared. Mr. McAnally gave an overview of the project at current time. Applicant has submitted a letter to Mr. Orr for variances for filling the flood plain for Zeitler Road and Randolph Drive. We tried to make the plan clearer so it would be easy to understand what is included in the Preliminary Plat at this time.

Daniel Graham, Citizen's Representative had several emails from residents of Cecil County. –

1. Mr. Owen Thorne is disappointed about the density and the issues of entire remediation of the property as it is a Superfund site. Mr. Thorne believes the PC should wait until all the clean up is complete prior to allowing any development.
2. Ms. Bilas has concerns about the onslaught of development requests and is concerned about the additional population and what this means to the schools, hospitals and emergency services in the county. Also the landscape of the county is changing and we will lose the pristine jewel that Cecil County represents.
3. Mr. Henry is a concerned citizen and is under the impression this old munition site has never been cleaned up and the risk of development here is great.

Mr. Markwardt had no additional comments to those he presented at the last meeting. Mr. Brown, SCS, presented maps and comments to applicants. Mr. Woodhull, DPW, said a SWM plan, Road & Storm Drain plan, a Water Treatment and Distribution system plan, a

Sewer Collection and Treatment System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The water and sewer system design must be submitted to the Department of Public Works and be approvable as to design by the Department prior to submittal for Final Plat Approval.

This project is located within a 'W-3' public water and 'S-3' public sewer service district in the Cecil County Master Water and Sewer Plan (MWSP). An amendment to the Cecil County MWSP may be required if the project timing results in the submittal of a final plat for planning commission approval before the 'W-3' or 'S-3' timelines occur. Regardless of the MWSP amendment, if the Developer proceeds with engineering submittals of street and drainage systems infrastructure to the Department of Public Works, before submitting and receiving approval for the water & sewer system design, the Developer does so at their own risk.

Who is proposed to own and operate the water and sewer system in this development – the notes indicate the sewer collection and water distribution system is to be public but the treatment facilities are to be a community or private shared system. Mr. Pugh said the water and sewer system will be a private system within the community. The water distribution system including fire hydrant locations shall be designed to meet or exceed the County's standards. The applicant is responsible for securing review of the hydrant locations by the serving fire company. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.

Please validate your parking rationale for the townhome sections. For the standard 20' x 40' townhome units, a layout problem is obvious. This may also apply to the 22' x 55' units. If your minimum proposed setback from an interior roadway is 20', and the driveway width is less than 18', given the setback and location requirements for all public water and sewer service locations, your parking proposal of 2 units per lot on an on-lot driveway is faulty and must be revisited. Site layout revision may be required in order for you to validate your proposal of two (2) on lot parking spaces being available for the townhome sections. As well, see Cecil County Road Code details R-3 and R-5 which directs a 29' minimum setback if perpendicular parking is used (which is proposed). Revise and resubmit as necessary to resolve this application discrepancy.

The applicant's engineer has corrected some of the roadway system geometric deficiencies that were present on the preliminary plat submitted for TAC review in February of 2006; however, there are still geometric and Road Code compliance issues present on this preliminary plat. The applicant's professional engineer is required to produce a road system layout that complies with the Cecil County Road Code or obtain a variance to the requirements of the same. Portions of the layout shown in non-compliance with the Road Code are as follows:

- 1.1. Minimum residential driveway setback of 75' required from intersections per Section 3.08 of the Road Code- numerous lots, townhome and single family, are non-compliant with this requirement.
- 1.2. Devonshire Drive (Section 3.04)
- 1.3. Hastings Drive (Section 3.04)

- 1.4. Hedley Drive (Section 3.04)
- 1.5. Goodrow Terrace (Section 3.04)
- 1.6. Lancaster Drive (Section 3.04)
- 1.7. Wellington Terrace (Section 3.04)
- 1.8. Samantha's Court (Section 3.04)
- 1.9. The private Road serving townhome units 48-85 (Section 3.04)
- 1.10. Jason's Court, Michaelson's Drive, Samantha's Court, and Chester Court cul-de-sac - see minimum required paved radius dimension and/or right-of-way dimension in cul-de-sac standard R-14.

1. Locations of horizontal roadway geometry are shown where clear line of sight easements will be proposed and/or required. No approval for these areas has been granted by the Department at this time. If the applicant cannot obtain approval for these alignments from the Department of Public Works, the street layout must be revised to meet the Cecil County Road Code. For these areas, inner lane widening, and possibly right-of-way widening is required and shall be shown on any street construction drawings submitted for review. For these areas, the clear line of sight easement shall shown on any final plat submitted for review or recordation, and shall include a note indicating that no obstructions blocking the clear line of sight are permitted within the clear line of sight easements shown. The note shall also indicate that site grading within the clear line of sight easement shall conform to the approved final grading plan(s) on file in the Cecil County Department of Public Works. The applicant's engineer is required to compute and align the inner lane widening for specific horizontal curves approvable to the Department in accordance with a standard acceptable to the Department.
2. Griffin Drive from the commercial site access to Zeitler Road shall be designed to meet the County Minor Collector Industrial/Commercial Road standard R-9.
3. This plan depicts at least one major storm drainage system discharge directed to a stream without stormwater management, see the Zeitler Road area of Cornwall Terrace and Thames Way. This layout is not approvable under the current stormwater management code, revise and resubmit.
4. If the Randolph Drive crossing will be a bridge or bottomless arch structure, the design approach and selection process shall be accomplished with pre-design input from the Department of Public Works. As well, any Zeitler Road bridge improvements shall be treated in a similar manner, with Departmental input being sought by the applicant's engineer prior to making any design submittals or permit applications for the same.
5. Randolph Drive shall be constructed as a minor collector road from Zeitler Road to Wellington Terrace, approximately 350 linear feet.
6. The storm drain section from Cornwall Terrace that divides townhome lots 43 & 44 should be moved to a location between lots 37 & 38 where additional setback distances to primary structures can be maximized for the public stormdrain system.
7. Show anticipated street grades as required under subdivision regulation 4.1.22(M) for preliminary plats.
8. (February 2006 TAC comment) The proper private parking area easements for the townhome sections are required to be shown on the preliminary and final plats. The standard detail will not singulary suffice, show and label the easements in plan view.

9. Where is the required Maryland registered surveyor's seal? Mr. McAnally stated it is their understanding a separate boundary line survey was submitted.
10. Permanent Stormwater Management facilities are not permitted within the stream buffer pursuant to Article IX, Section 174 of the Zoning Ordinance.
11. Are waivers requested for the no-disturbance stream buffer road crossings shown? Mr. McAnally said yes they are.
12. Additional offstreet parking is recommended for the townhome sections shown.
13. The applicant must investigate and report upon the Conowingo right-of-way shown. Specifically, the applicant must confirm Conowingo's right-of-way and easement dedication conditions for construction/reconstruction of the internal county road (Zeitler Road) as well as Conowingo's approval for the Developer to reconstruct and the County to own a public road over the transmission company right-of-way before final plat submittal to the planning commission. It is recommended that the Applicant obtain this information prior to preliminary plat approval by the planning commission, so as to avoid any costly site re-design that might be necessitated by a refusal from the transmission company. Mr. Pugh said they believe they have submitted the Conowingo Power right of way information and they are waiting on a letter from Conowingo Power, but at this point, this is as far as we have gone. Mr. Meiskin said they have the deed information which gives them the right to cross the right of way.
14. Why is Marley Road shown as a 60' right-of-way with 36' paved travel way? This is not the existing condition to the Department's knowledge.
15. It is anticipated that the applicant will be required to improve the Marley Road intersections with Deaver and Nottingham Roads. The Deaver Road intersection may require substantial re-alignment to create a Deaver Road stop and intersection condition.
16. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. New Private Roads that do not meet Road Code criteria are not permitted by code.
17. The applicant was required to supply a Protocol 2 Road Condition Survey of Zeitler Road and Marley Road per the November 2005 TAC and Planning Commission hearing requirements specified in writing by the Department of Public Works. The extent of the survey covered the entirety of Zeitler Road, and for Marley Road from the site to Pulaski Highway. Zeitler Road and Marley Road must be shown by the survey to meet Major Collector Road standard R-8, or the applicant must reconstruct Zeitler Road and Marley Road to this standard. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information was required prior to submittal for TAC review of preliminary plat. The applicant's submittals to date are not fully responsive to the previously identified requirements and are under review by the Department at this time. In lieu of submitting an acceptable offsite road condition survey and initial improvements proposal, the Department will propose that planning commission condition the approval of any preliminary plat on the applicant being required to upgrade Marley Road from the site to Pulaski Highway to a major Collector Road standard R-8, along with the Nottingham Road intersection, which shall be improved on the Nottingham Road segment at least 100' in either direction to

a minor collector road standard R-7, and significant geometric improvement to the Deaver and Marley Road intersection. The applicant will be responsible for obtaining any and all right-of-way with acquisition being solely at the applicant's expense. The offsite road condition survey and initial road improvement submittal has not been received by the Department of Public Works and the applicant is instructed to submit and obtain Departmental approval of the same before submitting a preliminary plat for planning commission review. In regards to required offsite road improvements, the applicant/developer remains responsible for all right-of-way acquisition and any costs associated with the same.

- 18.** Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval, and a remapping of the 100-year flood plain and a crossing hydraulic analysis are required. The applicant is responsible to have their engineer prepare and submit these designs and analyses.
- 19.** A TIS has been submitted for this project and was logged for review on January 23, 2006. The TIS is under review by the Department at this time.
- 20.** The applicant is responsible to have a Maryland Registered Professional Engineer update the Elk Creek and Laurel Run 100-year flood zone mapping. Zeitler Road and the Zeitler Road bridge must be shown to be above the 100-year flood elevation in their proposed form and if improvements are required to meet this requirement, the applicant/developer is responsible for the engineering, right-of-way acquisition, and costs associated with the same. Submit the hydraulic and hydrology calculations and mapping to the Department for review.
- 21.** Given the phasing proposed along with the current requirements to upgrade Zeiter Road to a non-100year floodplain roadway, the Marley Road interconnection and any associated offsite improvements must be designed, rights-of-way approved, construction guaranteed, and included in the public works agreement for phase four. The timing and schedule for the Marley Road and offsite county road improvements shall be established and approved by the Department prior to final plat approval for phase 1.
- 22.** Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s).
- 23.** Public Stormdrainage easements must be separated from private stormwater management and access easements.
- 24.** All lots must access the least major available road frontage. The final plat must depict the areas of denied access graphically.
- 25.** The following standard notes and requirements apply to this plat and project:
 - 28.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 28.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 28.3 Requirements for Utility relocations.
 - 28.4 Requirements for Public Works Agreements.
 - 28.5 Requirements for Stormwater Inspection and Maintenance Agreements.

- 28.6 Requirements for County Roads.
- 28.7 Requirements for Driveways.
- 28.8 Requirements for Final Plat - Public Water and Sewer Allocation.
- 28.9 Requirements for Sewer Service Cleanouts – Location.
- 28.10 Requirements for Stopping Sight Distance Measurements.
- 28.11 Townhome Parking Areas & H.O.A. Maintenance Easement Notes.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”*
 - c. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grades leaving Zeitler and Marley Roads may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements

will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

8. If a County-owned and maintained public water & sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
10. Applicant must provide stopping sight distance measurements for the Marley Road access to DPW prior to preliminary plat submittal. Mark the proposed Marley Road entrance location in the field by a survey stake or paint.
11. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

Mr. Woodhull said he will consult with Mr. Orr about the offsite protocol and will get back with the applicant.

Mr. Kyte, FCA, reminded applicant that any bridges should carry a 70,000 pound vehicle. If streets are under 30' wide, they need no parking signs and the street signs need to be installed as work is being done. You have two private road streets in parcel 3. EMS will need street names on those private roads. Mr. Pugh asked for a clarification on signage issue. His understanding is that there is a blue and a green sign, one for private and one for public. Mr. Woodhull said they would all be blue signs until the public roads take over. Mr. Pugh asked if the sign issue would be taken care of in the normal development process. Mr. Woodhull said in other projects we have had those private roads named. That would be DPW requirement and they would stay blue signs. The reason is until they are part of the County road system, they remain blue and when they are taken over by the County they are replaced with green. Mr. Kyte said during construction we just need to know what the streets are.

Ms. Latham had no additional comments from last time. Mr. Moore read comments of CC Health Department. See attached. The minor sub is a panhandle out to Marley road. He asked if they own this exit. It is required that you show a sleeve for the pressure line that runs from the Joy Wilson property up to the proposed entrance to Marley Road. Mr. McAnally said that will be done in final construction plans. Joe should be shown and should show it is sleeved and should be monumental to end locations. The Health Department will recommend disapproval of this Preliminary Plat unless this is done. Mr. Pugh asked if the sizing of the plant indicates there is more flow than is required for this project and if there are water and sewer lines that are to the Blue Ball Road right of way, does that meet the requirements? Mr. Moore said yes.

The applicant was provided a copy of the SHA comments. U.S. Army CoE commented that the site was field-investigated by the Corps on February 10, 2006. Changes to the delineation of waters of the US, including nontidal wetlands were made and should be

reflected on the plans. DA authorization is required for the proposal. Impacts to nontidal wetlands and other waters of the US should be avoided/minimized to the maximum extent practicable.

Mr. Di Giacomo said this proposal is in compliance with §3.8 of the Subdivision Regulations. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is BG, M2 & RM. The Concept Plat, proposing 1,465 dwelling units on 373.8 acres, for a proposed density of 3.92/1 was approved on 11/21/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 2) All issues associated with the boundaries of the M2 area being satisfactorily resolved verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 3) Documentation of the completed JD being received prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 5) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 6;
- 6) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 & 6;
- 7) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 8) The name of the water company providing the water being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 9) The Preliminary Plat or Preliminary Plat/Site Plans documenting that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers;
- 10) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 6;
- 11) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission for Phases 2 and 6;
- 12) Note # 11 deleting reference to alleys;
- 13) A Traffic Impact Study being completed prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 14) The "Land Use Summary" taking into account that the common overflow parking areas cannot be included in the open space total acreage;
- 15) The 100-year floodplain boundaries being labeled and verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;

- 16) All data and information being reconciled between the plat and the “Land Use Summary;”
- 17) All proposed areas of common open space being shaded prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 18) Any Preliminary Plat/Site Plan review for Phases 2 & 6 clearly demonstrating consistency with §277;
- 19) Fire hydrant locations being selected in consultation with the Department of Public Works and the Singerly Fire Company prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 20) A complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission; and
- 21) The Preliminary Plat reflecting strict compliance with §7.2.12.E.4.

Condition # 2 required the satisfactory resolution of the M2 boundary prior to Preliminary plat or Preliminary Plat/Site Plan review. A letter outlining the discrepancies between the incorrect tax and zoning maps and the correct information obtained from the boundary line survey has been sent by the applicant to the Zoning Administrator. Therefore, condition # 2 of Concept Plat approval has been satisfied.

The title blocks of the individual sheets must identify the parcels/phases that are the focus of each sheet for any submittal to the Planning Commission. To a degree, the absence of this information on the subsequent sheets is mitigated by the title sheet’s Notes 19 and 20, as well as each sheet’s location map and sheet index. Note # 19 indicates that separate site plans will be required for the proposed recreation center, Parcel 10’s commercial retail space, and the potable water and wastewater treatment plants.

In terms of phasing, the recreation center site plan would need to be approved prior to Parcel 6’s Final Plat review by the Planning Commission. Since the development of all parcels will be dependent upon the potable water and wastewater treatment plants, and, pursuant to §4.2.13 (u), the Planning Commission cannot approve lots for which such planned facilities have not received all necessary approvals, those site plans must be approved prior to the Planning Commission’s review of any Final Plat for any of the respective parcels, except for Parcels 2, 4, and 10. For Parcel 2 the potable water and wastewater treatment plants’ site plans must precede condominium Preliminary Plat/Site Plan approval, and they must precede Parcel 10’s site plan approval.

Note # 20 confirms that Parcels 2 and 4 are to be condominiums, and, therefore, will require Preliminary Plat/Site Plan approvals, consistent with established process precedent for condominiums. Despite the basic title block’s information’s being contained in Notes 19 and 20, it is still recommended that the title blocks explicitly articulate exactly what development on which parcels are actually at issue on any Preliminary Plat submitted for the Planning Commission’s review. §4.1.22 requires Preliminary Plats to be drawn at 100-scale.

Condition # 20 of Concept Plat approval required that a complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission. That does not

appear to have been included in this updated Preliminary Plat TAC submission. Once that is done, the Preliminary Plat can be resubmitted for TAC review.

An accompanying document requests a waiver under §'s 174.1(b) (2) and 174.2(b) (1) for proposed road crossings. Has any analytic or quantitative documentation been provided that actually demonstrates that the disturbance would be minimized? The same accompanying document also requests a variance under §240.1.a (1) to allow fill within the floodplain associated with the road crossings. It must be verified that §241.c and §243.8 do not also apply in this case. If the disturbances would be minimized, as suggested under the §'s 174.1(b) (2) and 174.2(b) (1) waiver requests, why would a variance for fill be necessary?

The phasing insert on Sheet 1 is now consistent with the balance of the sheet. The submitted TIS does not reflect the fact that all proposed residential parcels, except for Parcel 1, are now shown to the west of the crossing of the Little Elk Creek. The trip distribution traffic volumes will likely shift commensurately to Marley Road. The TIS is currently under review by OPZ, comments have not yet been received from DPW and SHA. Have all entrance locations on MD 545 been approved by SHA?

While this Preliminary Plat is consistent with Concept Plat density approval, there have been significant layout changes – which the Planning Commission may feel are inconsistent with the approved Concept plat.

Parcel 1's layout has been changed, and its density has been changed. The approved Concept Plat proposed 240 d.u.'s; this Preliminary Plat now proposes 251 d.u.'s. Not all roads in the new layout appear labeled, and some road names have been changed. The adequacy of rear yard access issue has been addressed by adding easements. The applicant is again advised that fee-simple common open space access is far preferable.

Parcel 2 is not under consideration with this Preliminary Plat submission. However, it has been relocated from Blue Ball to west of the Zeitler Road crossing of the Little Elk Creek.

Parcel 3 is in the same location, but its layout changes include the moving of the potable water treatment plant to the south of Zeitler Road and the number of lots has increased from 180 to 203. In addition, two unnamed private roads have been included – which will require this Preliminary Plat to be reviewed again before proceeding to the Planning Commission. Proposed lots 56-67 are no longer shown to front on an unnamed private road.

Parcel 4 is not under consideration with this Preliminary Plat submission. However, new information is provided on sheet 1, and from that information, it is noted that layout is the essentially the same, but 468 surface parking spaces had declined to 463 and have now declined to 452, and 1188 total parking spaces had declined to 1183 and have now declined to 1172.

Parcel 5 is essentially unchanged. Site Plan-level detail has not been provided, but this portion is intended to be approved through the Site Plan approval process, as cited in

Note # 19. The applicant is again reminded that Parcel 5's Site Plan must conform to all requirements in §291 and Appendix A of the Zoning Ordinance. In addition, in keeping with the proposed phasing, the Parcel 5 site plan must be approved prior to the Planning Commission's review of the Parcel 6 Final Plat.

Parcel 6 is in the same location and generally unchanged. The approved Concept Plat shows 56 d.u.'s; the previous Preliminary Plat proposed 55 d.u.'s, and this one proposes only 52.

Parcels 7 & 8 are also in the same locations as previously. Some road names have changed. The approved Concept Plat proposed 89 townhouses for Parcel 7 and 72 single family d.u.'s; the previous Preliminary Plat proposed all townhouses: 161 total d.u.'s. This one now proposes 180, which is consistent with sheet 4.

Parcel 9 is in the same general location, but it had increased from 13 to 24.3 acres and now to 24.81 acres. The approved Concept Plat proposed 128 townhouses. The previous Preliminary Plat proposed 76 single family detached homes; this one now proposes 79. Its layout is also significantly different from that proposed in the approved Concept Plat, and there is one unnamed road proposed on sheet 1 – which has been labeled Buckingham Drive on sheet 4. What was proposed as Winchester Drive was shown as Buckingham Drive; now, "Buckingham." On the approved Concept Plat, Buckingham Drive was in Parcel 8.

Parcel 10 remains in the same general location. Site Plan-level detail has not been provided, but, as with Parcel 5, this portion is intended to be approved through the Site Plan approval process, as cited in Note # 19. 70,000 ft² is still proposed.

Parcel 11 is depicted on Sheets 1, 4, and 9. Note # 3 now cites the Zoning Case Number: 2005-11. As stated at all previous reviews, the condominium components will require a separate approval process. That process requires Preliminary Plats/Site Plans, from which building permits can be obtained. Consequently, Parcels 2 and 4 are technically not part of this Preliminary Plat submission.

The condominium components must not be included in any Preliminary Plat submission to the Planning Commission. Any Preliminary Plat/ Site Plan must be reviewed by the TAC prior to its submission to the Planning Commission. In addition, in keeping with the proposed phasing, the Parcel 2 Preliminary Plat/Site Plan must be approved prior to the Planning Commission's review of the Parcel 3 Final Plat, and the Parcel 4 Preliminary Plat/Site Plan must be approved prior to final site plan approval for Parcel 5. The applicant is reminded that for all other proposed Phases or Parcels, no building permits shall be issued prior to Recordation of final Site Plan approval.

The applicant is reminded that verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for the condominiums was a condition of Concept Plat approval.

The applicant is further reminded of other conditions of approval for the condominium phases, including:

- 1) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans;
- 2) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans;
- 3) The name of the water company providing the water being included on the Preliminary Plat/Site Plans;
- 4) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Parcel/Phase 4; and
- 5) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission.

What progress has been made regarding site plan approvals for the water and waste water plants and all associated facilities or have site plans been submitted for the water and waste water treatment plants? Applicants stated no. Mr. Pugh asked that they stop at this point and discuss the significance of the changes which is relative. Clearly in a Concept, you start out with much less information that we currently have and there is an evolution of information that goes out. We have not exceeded ultimately the total number of units that we originally proposed. We have reallocated them based on changes in designs and the growth of the plan itself. We would like to say that this is a normal process going forward to planning commission that you would expect changes of a greater number than you would get in a single family subdivision of 50 lots. We would like to be clear in P&Z's position, are you saying it is necessary to revise the Concept Plat or are you simply pointing out that there are changes between the two and that the PC will be made aware of those changes, but then they will obviously make a decision on whether or not this would require the need to go back and do a Concept revision. Mr. Di Giacomo said, as Mr. Pugh accurately points out, this is not a 50 lot subdivision and this is a complex proposal and it is not our position that once a Concept Plat is approved, it must be rigorously adhered to, obviously there is no precedent for that. It is incumbent upon us, particularly with so complex a project, to point out to the PC exactly what changes have occurred. Mr. Pugh said that is all he needed clarity on and he added that they can explain why the changes have occurred and where they have occurred, but fundamentally revising the Concept now would be bringing in what you see now as a Preliminary. Overall, it is the same plan and is the same number of units and allocated a bit differently because of design changes but not substantially out of conformance with what was presented at Concept. Mr. Di Giacomo stated that projects can evolve, within limits.

The "Land Use Summary" has improved, but it still does not completely satisfy the intent of §4.1.22(r), as follows and in terms of complexity and making this a user friendly document for PC, you will have to make a decision on this. We made similar comments on a Preliminary Plat earlier this morning and suggest that you take them to heart.

While Notes 19 & 20 indicate what is to be excluded from consideration, the Land Use Summary includes all Parcels.

- Sometimes the M-2 zoned Parcel 11 is 12.0 acres; sometimes it is 12.04 acres. Which figure is correct, and why have its statistics been included in this Preliminary Plat?
- Sometimes the BG zoned Parcel 10 is 8.2 acres; sometimes it is 8.12 acres. Which figure is correct, and why have Parcel 10's statistics been included in this Preliminary Plat?
- The acreages of Parcels 1-4 and 6-9 total 167.52 acres, which is at odds with the 375.06 RM acres cited at the top of the Land Use Summary. If the 178.08 acres of common open space are added, the new total is only 345.6 acres.
- The 29.46-acre discrepancy cannot be explained by adding Parcel 5's 4.77 acres.
- We do not know if the potable and wastewater treatment plants' aggregate 6.89 acres are included in the 178.08 common open space acres or not. Mr. McAnally said they are not included in the open space and that they need to straighten out the numbers. Mr. Di Giacomo stated it needs to be in table form. Every acre needs to be accounted for and if the PC has to look for those numbers and they do not add up, it seems to be that you are headed down a path you don't want.
- We do not know if the addition of proposed roadway rights-of-way would close the gap.

Simply put, §4.1.22(r), which is a requirement, not a suggestion, is intended to accurately, comprehensively, and understandably answer such questions in table form. Moreover, members of the TAC and Planning Commission should not have to find information to do calculations to try to figure out what is intended.

Mr. McAnally had questions about the overall reporting of common open space on the Preliminary Plat when the requirement is being way over justified with the overall number of acres in open space. Mr. Di Giacomo said reporting more than the minimum common open space acreage does not absolve you of the requirements of section 4.1.22® to provide the table. From that standpoint, this plat is not user-friendly – as further evidenced by the absence of specificity in the individual sheets' title blocks.

As stated at all previous reviews, Parcel 10's commercial development must be approved by major site plan, per §32 and §291. As stated at all previous reviews, per §36.2.a, any industrial proposal on the M2 lands must be approved in accordance with §291. Documentation was received that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers.

The RM zone permits a maximum base density of 2/1, or 6/1 with community facilities; 12/1 for townhouses and 16/1 for apartments. The approved Concept Plat proposed 1,465 dwelling units on 373.8 acres, for a proposed, aggregate density of 3.92/1. This Preliminary Plat provides information that 1,465 dwellings are proposed on 375.06 acres, for a modified aggregate density of 3.906/1. Technically, this Parcel 1, 3, 6-9 Preliminary Plat proposes 634 townhouses on 83.99 acres and 131 single family homes

on 38.99 for respective, proposed densities of 7.55/1 and 3.36/1. Both proposed densities are within permissible limits.

Slopes greater than 25% 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. Stream and wetland buffers 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. What progress has been made in securing the required JD? Applicant said they are waiting for the JD to be produced and it will be imminently. Mr. Di Giacomo said it must be completed prior to Preliminary Plat review by the Planning Commission. Several proposed structures are depicted near the 100-year floodplain boundary – which has now been labeled. Per §241.2.d (1), building sites within the 100-year floodplain boundary cannot be approved.

This proposal appears to satisfy the common open space requirements of the RM zone, which must be based upon the cited 375.06 acres. 15% common open space is required for the single family home portion phases; 20% is required for all others.

The “LAND USE SUMMARY” reveals that the combined common open space and condo common areas’ acreage have increased to 245.58 (was 166.24) acres, which is 65.48% of 375.06 acres.

Since aggregate lot acreages were not provided on Sheet 11, it has not been determined whether the Parcel acreages cited in the “LAND USE SUMMARY” include common open space or not. If not, then the total RM acreage, based upon 245.58 open space acres, would be 413.1, not 375.06. As stated at previous reviews, and as was a condition of Concept Plat approval, the C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat. That has not been done. Once that is done, the Preliminary Plat can be resubmitted for TAC review.

Proposed common open space must be consistent with all applicable provisions, including §176. No access roadways or parking areas are depicted. What is the basis for proposing the treatment plants, their access roads, and parking areas to be included as common open space? Has their acreage been deducted from the common open space total of 245.58 acres? Mr. McAnally said the treatment plants have not been included in the common open space. They will not be included. The reservoir will be included. 25% landscaping of the development envelope is required in the RM zone.

Note # 13 of the approved Concept Plat indicated that, consistent with recommendations for the RM zone, sidewalks were proposed on both sides of streets, except where bike trails would be substituted on one side. The pedestrian access plan on Sheet 9 may conflict with other sheets, especially with respect to whether a sidewalk or a bike lane is actually proposed along one side of Zeitler Road.

The applicant is again reminded that §4.1.22 requires Preliminary Plats to be drawn at 100-scale. Mr. McAnally asked if there is a problem with the 100-scale plans being supplemented with the cover sheet like this 200-scale so you can see everything in one piece. Mr. Di Giacomo said if the cover sheet were at 200-scale and all the others were at

100-scale and if the cover sheet said this is the overall scheme, but this is a preliminary plat for sections 1, 3 and 6-9. This one is submitted as an overall preliminary plan, but when you get to notes 19 and 20, you learn differently and if there were a table on here where all the numbers added up, about 6 pages of comments could be reduced. Mr. McAnally said they do have comments at each condominium section that says these are not included in this application. We will certainly clean the plan up. Mr. Di Giacomo said you really have to dig for the details. Note # 9 states that this submission is invoking the provisions of §6.1 regarding “residential cluster development.” Note # 9’s reference to §6.3 as regards the relaxation of yard requirements, and the like, is specious.

§6.3.4 is, however, referenced in §6.1.2. Particularly with respect to §6.3.4 (g), this again raises questions about the proposal to situate the water and wastewater treatment plants in common open space. It also raises questions about proposing a SWM basin partially in common open space and partially in condominium common area. Spell out who will be responsible for this, condominium association or HOA. Note # 10 cites the requirements of §6.1.5 (a) (b) & (c).

§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. In no case should a parking space on part of an individual lot and common open space.

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. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Blue Ball and Marley Roads. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads, including Zeitler 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 Forest Stand Delineation (FSD) has been approved. The PFCP, which must be approved prior to Planning Commission review of the Preliminary Plat, Cecil County Forest Conservation Regulations), has not been submitted. In addition, since forest retention areas have not been depicted on the plat, consistency cannot be determined. The FCP and Landscape Plan must be approved prior to the PC 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 area must be recorded and noted on the plat prior to recordation.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. So far, the names Lancaster Drive, Jacobs Way, Tudor Terrace, Hastings Drive, Barkley Court, Wellington Terrace, Thames Way, Hedley Drive, Wessex Terrace, Griffin Drive, Edinburgh Drive, Devonshire Drive, Goodrow Terrace, Winthrop Drive, Samantha’s Court, Michelson’s Drive, Arleigh Road, Jasons Court, and Hampton Way have been approved, and

“Winchester Road” has been disapproved. “Buckingham” and been changed to “Buckingham” Drive. §7.2.12.E.4 requires 750’ of separation between intersections on SHA roads. That separation has now been achieved for the 2 entrances on Blue Ball Rd. (MD 545), provided that SHA has approved those locations.

Access to common open space between lots must be marked with concrete monuments. A Homeowners’ Association (HOA) for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. All fee-simple lot owners must be members, as noted in Note # 26. Note # 23, in seeming contradiction to Note # 26, indicates that all dwellings owners will be members of the HOA. For those parcels that may be intended as condominium components, a Condominium Association must be established prior to recordation. In addition, per Note # 23, as the condo owners are to have access to the common open space and the proposed Community Center, then the condo owners must also be members of the HOA, with \$50 per recorded condo unit being placed in escrow for improvements prior to recordation.

The water and wastewater plants and all associated facilities must be approved as major site plans per §291, prior to Final Plat review by the Planning Commission, except for Phases 2 and 4. For those phases, the site plans for the water and wastewater plants must be approved prior to the Planning Commission’s review of the respective Preliminary Plat/Site Plans. They must also be approved prior to site plan final approvals for Parcels 5 and 10. In addition, if it is a community sewerage system, it must be consistent with all provisions of §175 of the Zoning Ordinance.

Note # 8 indicates that a 25’ peripheral bufferyard is required. In addition, per §187.2, additional bufferyards may be required between the RM and BG and M2 zoning districts within the development tract, and buffering landscaping may be required as Landscape Plan components of the respective Site Plans for the water and sewer facilities.

The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. The Master Water and Sewer Plan classifies this site as W3 and S3. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale. Verification of the capability of the proposed water system to serve all proposed dwelling units must be received from MDE prior to Final Plat review by the Planning Commission for Phases 1, 3, and 6-9. Said verification must precede the Planning Commission’s review of the Preliminary Plat/Site Plans for Phases 2 and 4, and Site Plan approvals for Phases 5 & 10.

Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE must be submitted prior to Final Plat review for Phases 1, 3, and 6-9. It must precede the Planning Commission’s review of the Preliminary Plat/Site Plans for Phases 2 & 4, and Site Plan approvals for Phases 5 & 10.

The identity of the waste water treatment plant must be included on the Final and Record Plats for Phases 1, 3, and 6-9. It must be included on the Preliminary Plat/Site Plans for Phases 2 & 4, and respective Site Plans for Phases 5 & 10.

The name of the water company providing the water must also be included on the Final and Record Plats for Phases 1, 3, and 6-9. It must be included on the Preliminary Plat/Site Plans for Phases 2 & 4, and respective Site Plans for Phases 5 & 10. Ditto for the name of the water company.

As was a condition of Concept Plat approval, fire hydrant locations must be selected in consultation with the Department of Public Works and the Singerly Fire Company. Has Singerly Fire Company had input with respect to the proposed fire hydrant locations? Mr. McAnally said they have submitted both plans to them and have not received any comments yet. Mr. Di Giacomo said his recommendation would be a pro-active stance on your part in seeking out that response. As they are attractive hazards, serious consideration should be given to the installation of protective fencing around the numerous stormwater management facilities. Confirmation must be received from the Conowingo Power or successor entities prior to Final Plat review that all proposed roads (only Zeitler Rd. shown at present) as well as any sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the utilities within the utility corridor. All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts must be received prior to Final Plat review of Phases 6-9, or Preliminary Plat/Site Plan review for Phase 4. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

Some progress has been made since the previous submission. Yet, there are still unsatisfied conditions of Concept Plat approval and unanswered questions – including those relating to the TIS. Therefore, once all conditions of Concept Plat approval have been satisfied, then, at that time, a revised version should be reviewed by the TAC prior to submission to the Planning Commission for review and approval. That is a recommendation and I am softening up the verbiage from last time. It is recommended that we have one more look at this. If you want to go to PC you can but please be advised that it is incumbent upon you to ensure that all the details are adding up and all the conditions of Concept Plat approval have been satisfied and in addition that everyone is in agreement that the TIS is adequate. I appreciate the complexity and you have made good progress, but making the plan more user friendly for the PC would be helpful. Mr. Pugh said the TIS is under review so we need to get the comments before we can respond.

Mr. Moore had questions about the panhandle lot that goes to Marley Road. It appears the driveway is on the wrong property. The minor sub shows a panhandle coming out that you do not own. Mr. Pugh said they will get all the information together on the minor sub and review it in relationship to the boundary line survey and attempt to resolve the issues.

A lunch recess was called at 12:30 p.m. Meeting reconvened at 1:15 p.m.

7. Larson's Estates of Skyview, 12 Lots, Concept Plat, Larson's Way/Murray Road/Beggars Row Road, Frederick Ward Associates, Third Election District

Ed Steere, Frederick Ward Associates and Mr. Larson appeared and presented an overview of the project.

Mr. Graham read comments of Rachel and Mark Gray. See attached. 1. They had questions reference the road going along the stream or crossing the stream. 2. Plat shows it to be shown residential and are surrounding properties going to be rezoned to residential as well? Applicant responded no. 3. Is the proposed plat planned for septic or sewage? Utilities and electric and they stated one transformer carries everything down Skyview and wonder if it will require mounting of at least one other transformer unit. Mr. Steere said typically the power company works with the developer after Final Plat. 4. Is Larson planning more development along Skyview? Mr. Larson responded he is not. 5. Will surrounding home owners be required to be in HOA? Mr. Steere said we cannot require them to be in HOA. 5. Can we get copies of anything that happens in the future? Mr. Di Giacomo explained that the file is public record, so yes.

Mr. Markwardt asked for the width of the cul-de-sac at Larson's Way and said they would want to access that cul de sac. He also asked for the size of the homes proposed. Applicant said approximately 2100 to 3000 sf. Copies of the SCS comments and maps were presented to applicants.

Mr. Woodhull reported 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. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Lot 1 is denied access to Skyview Road. Add note to preliminary and final plat. Why are lots 2,3 & 4 not provided access to the internal subdivision street. Label the right-of-way dedication as 'Road right-of-way to be dedicated in fee simple to the Board of County Commissioners of Cecil County'. The right-of-way dedication along Skyview Road is scaled from the physical road centerline and offsite areas, ie areas of other ownership, should not be shown unless those owners have indicated their willingness to dedicate the right-of-way in fee simple as part of this project and plat. Provide additional right-of-way dedication at the Skyview Road cul-de-sac just north of Interstate-95. Right-of-way radius at this cul-de-sac should be 75'.

Any permits required for crossing of a regulated wetland or stream shall be obtained by the applicant prior to Departmental approval of a plat for record. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). The drainage swale/structure crossing lots 10,11 & 12 is for stormwater management purposes, and must be shown, with dimensioning, as part of the project's private stormwater management easement. The SWM pond on lot one should be in common open space. How will access be provided to the SWM pond shown on lot 4 and who will maintain this pond? Given drainage area constraints, suggest you look at other BMP options that a pond on lot 4. The applicant is required to supply a Protocol 3 Road Condition Survey of Skyview Road. See the Department of

Public Works November 2004 Guidance Document for the survey and reporting criteria. The extent of the survey shall cover Skyview Road, from the site's entrance to 5th Avenue. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information and an initial road improvements proposal is required prior to submittal for planning commission review of a preliminary plat. In regards to the required offsite road improvements, the applicant/developer is responsible for all right-of-way acquisition and any costs associated with the same. Public Stormdrainage easements must be separated from private stormwater management and access easements. The following standard notes and requirements apply to this plat and project:

- 8.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 8.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 8.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 8.4 Requirements for Utility relocations.
- 8.5 Requirements for Public Works Agreements.
- 8.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 8.7 Requirements for County Roads .
- 8.8 Requirements for Driveways.
- 8.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Skyview Road be upgraded to a Minor Road standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Skyview Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Skyview Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Kyte asked if there are curbs or sidewalks and Mr. Steere responded there are none. Mr. Kyte asked what they have for water source for fire suppression. Mr. Larson said there is a creek at Tony's and Warburton Road. Mr. Kyte would like to see a fire suppression tank of 20,000 gallons with a pull off. Mr. Steere asked for dimensions of the pull off. Mr. Kyte said 60'. Ms. Latham said a GAP will be needed. Mr. Moore read Health Department comments. See attached. There were no SHA comments. The Army CoE commented it appears that the stormwater management pond to the south of the property will be located on a stream channel. If this channel is a jurisdictional water of the US, then the pond needs to be reconfigured to avoid impacts to the channel. Any other proposed impacts to nontidal wetlands and other waters of the US will require DA authorization.

Mr. Di Giacomo said this proposal was found to be in compliance with §3.8 of the Subdivision Regulations. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public. The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 12 lots on 39.33 acres, for a proposed density of 1/3.278.

Lots 1-5 are proposed as minor subdivision lots, and, apparently, §2.4.1 is being invoked. Therefore, only 7 major subdivision lots are proposed, for a density of 1/5.62.

Proposed minor subdivision lots 2-4 are depicted directly accessing Skyview Road. Therefore §2.4.1 cannot be invoked for those proposed Lots. The language of §2.4.1 does not absolutely clarify whether only proposed Lots 2-4's or 1-5's inclusion at zero

density would be invalidated. Assuming it is only 2-4, then, therefore, 4.3 acres must be deducted from the 39.33, leaving 35.03. Thus, under that assumption, the 7 proposed major subdivision lots would yield a proposed density of 1/5. However, if it is ultimately determined that the acreages of all 5 minor subdivision lots must be deducted and/or the boundary line survey shows there are fewer than 35 acres, then the proposal must qualify for bonus density eligibility to be considered.

Currently, 15.87 % common open space is proposed. Proposed Lot 10 consists of 39.89 % of the total acreage. Together they total 55.76% of the total acreage, so this design is ineligible for bonus density consideration. Skyview Road has been mislabeled on the vicinity map and not labeled at all on the plat. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. 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 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, and sidewalks are not recommended. 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 FSD must be approved prior to Planning Commission review of the Concept Plat. 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. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed road name Larson's Way has been approved. Access to common open space between lots must be marked with concrete monuments. Covenants prohibiting the subdivision of any large lot would need to 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.

Why have SWM ponds been proposed on Lots 1 and 4 and not on common open space? Who will have responsibility for their maintenance and how will access be effectuated? 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. Steere stated he would need to confer with Mr. Di Giacomo and Mr. Moore to work on issues identified. Mr. Di Giacomo stated the open space label should be removed from the large lot to avoid potential future confusion.

8) Larson's Reserve at Andora, 20 lots, Concept Plat, Carter's Mill Road/MD Rte 213, Frederick Ward Associates, Third Election District

Mr. Steere, Frederick Ward Associates, and Mr. Larson appeared and gave an overview of the property. Where the existing farm house is located we have listed it as open space but it is actually Lot 20.

Mr. Graham read a letter received from the McCauley family. The McCauley's have questions about SWM. Mr. Steere said they recognize there is a swale coming off toward McCauley's. We will be directing SWM run off to a pond that is not built yet. We will be doing planting that will help also. Rosemarie McFadden had questions regarding zoning and density as did Jason Planck. Lindsie Carter also had questions regarding zoning and density issues. Also property in the rural conservation district and Comp Plan asked for preservation of agriculture in this district. Richard Boyce also had questions regarding zoning and density issues. Mr. Markwardt suggested that a sidewalk be generated along the open space on your side of Carter's Mill to give students access to Cherry Hill. Mr. Markwardt asked for the size of the homes and when they plan to start building. Mr. Larson said the homes will be approximately 2500 sf and they plan to start within two months of approval.

Mr. Woodhull said 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. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Lot 2 is denied access to Carters Mill Road. Add note to preliminary and final plat. How does the Elizabeth Way entrance correspond to existing access or buildings on parcel 677? The final intersection alignment may need to be moved to avoid access and headlight to structure conflicts. Consultant must address these items along with a stopping sight distance submittal prior to preliminary plat submittal to the TAC. Label the right-of-way dedication as 'Road right-of-way to be dedicated in fee simple to the Board of County Commissioners of Cecil County'. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). The applicant is required to supply a Protocol 3

Road Condition Survey of Carters Mill Road. See the Department of Public Works November 2004 Guidance Document for the survey and reporting criteria. The extent of the survey shall cover Carters Mill Road, from the site's entrance to MD Rte 213. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information and an initial road improvements proposal is required prior to submittal for planning commission review of a preliminary plat. In regards to the required offsite road improvements, the applicant/developer is responsible for all right-of-way acquisition and any costs associated with the same.

Public Stormdrainage easements must be separated from private stormwater management and access easements. The following standard notes and requirements apply to this plat and project:

- 7.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 7.4 Requirements for Utility relocations.
- 7.5 Requirements for Public Works Agreements.
- 7.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 7.7 Requirements for County Roads .
- 7.8 Requirements for Driveways.
- 7.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Carters Mill Road be upgraded to a Minor Road standard for 100' either side of the proposed entrance

locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Carters Mill Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Carters Mill Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Kyte asked if there will be sidewalks. Mr. Steere said they will build open sections and the streets will downsize. Mr. Kyte wants a 30,000 gallon fire suppression tank. Larson said there are ponds at Cherry Hill that can be used for fire suppression. Ms. Latham said they will need a GAP for Final Plat. Mr. Moore read the CC Health Department comments. See attached. Mr. Di Giacomo provided copies of SHA comments and Soil Conservation comments to applicants. The Army Corp of Engineer commented that any proposed impacts to nontidal wetlands and other waters of the US will require DA authorization.

Mr. Di Giacomo reported that this proposal was found to be in compliance with §3.8 of the Subdivision Regulations. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. According to the unlabeled area table, this Concept Plat proposes 20 lots on 45.148 acres, for a proposed density of 1/2.257. Lots 2-5 are proposed as minor subdivision lots, and, apparently, §2.4.1 is being invoked. Therefore, again, according to the unlabeled area table, only 16 major subdivision lots are proposed, for a density of 1/2.82, which is not permitted under any circumstances.

According to the unlabeled area table, the existing minor subdivision Lot 1 is included in this proposal; however, that is not what is depicted and Lot 1's RR zoning, existing use, parcel number, and deed reference have not been provided. In fact, the deed reference corresponds to neither parcel 601 nor 103. The correct deed reference for parcel 103 is WLB 2040/702. Why has Lot 1 been included in the unlabeled area table? Mr. Steere said he just wanted to show that it was the first lot that came off this property, but it is not a part of this project. Assuming that Lot 1's acreage is not included in the 45.148 acres, then 15 proposed major subdivision lots would yield a density of 1/3.009 – bonus density. TAC and Planning Commission members ought never to have to make such assumptions, and the applicant is reminded that, pursuant to §4.0.13, OPZ need not accept incomplete Concept Plats.

The proposed Large Lot, 18.16 acres, consists of 40.22% of the total acreage. 9.02 acres of proposed common open space is 19.98% (15% is the base requirement); thus making the proposal eligible for bonus density consideration. However, those 2 acreage figures total 27.18, not the 27.24 acres cited in the Development Summary. Such inconsistencies must be reconciled prior to any submission for review by the Planning Commission. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. Mr. Steere stated this plat is based on the boundary survey that has been done.

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

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. 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 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, and sidewalks are not recommended. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 213. The minimum building setback from MD 213 is 100'. That will affect proposed lot 19; for Lot 20, a waiver can be requested when the Concept Plat is reviewed by the Planning Commission. A Bufferyard C has also been proposed along Carters Mill Road. Consideration should be given to other alternatives, including a modified Bufferyard A, which could better preserve rural character. There was discussion between Mr. Di Giacomo and applicants regarding changing where the bufferyard is located. Mr. Di Giacomo stated the Planning Commission cannot waive the Bufferyard A requirement. The 100' building setback must be shown in conjunction with the proposed Bufferyard 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.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The FSD must be approved prior to Planning Commission review of the Concept Plat. 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. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed road name Lee Court has been approved; Elizabeth Way has not. An alternative must 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. 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.

Why has the SWM pond to the rear of proposed Lot 12 been proposed on proposed Lot 20 and not on common open space, and why hasn't a fee-simple access been provided? Mr. Steere stated it will be common open space. Is Lee Court proposed as a private mini-road? Mr. Steere said it is not a private mini-road. If so, then a Mini-road Maintenance 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. Why is it proposed that a lot run as a strip behind and beside proposed Lots 2-12? The dividing line would be next to the SWM area. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Moore added buildings must be 100' from the building restriction lines. Mr. Steere said we meet the 1:3 with 45 acres and with that formula, is this an acceptable number of lots? In the NAR zone, there are wide setbacks when it abuts state roads additional setbacks are required. Mr. Di Giacomo said it is based on 20, but is actually 19, and added that the project is eligible for bonus density consideration, which is discretionary.

9) Cinnamon Woods, Phase II & III, Concept Plat, Mt. Zoar Road, Frederick Ward Associates, Eighth Election District

David Dodge, Ed Steere appeared and provided an overview of the project. We were required to come back with a revised Concept Plat. We are at 200 sites now. We have

66 existing sites and this proposal is for the remaining property divided into two phases, primarily based on SWM and drainage areas although some of Phase III will drain into the Phase I existing trap that we are working on redesign for.

The Citizens' Representative had no comments. Mr. Markwardt said since the roads will be private; we will create a stop at Ginger Lane. Mr. Steere said this is an age restricted community. Mr. Markwardt stated he then had no further comments.

Mr. Woodhull stated it is DPW understands that the water treatment & distribution system and wastewater treatment & collection in this development will be privately owned and maintained. The Road Code and Water & Sewer Standard Specifications require that private water and wastewater systems be designed to meet or exceed the County's standards, which includes fire protection demands. As such, the plans for any onsite private water & sewer system must be submitted to and approved by the Department of Public Works, along with an engineer's evaluation and summary of the existing system's treatment and service capacities. Any interconnection to existing onsite systems will require that a design adequacy and performance evaluation be submitted to the Department by the applicant's engineer. A variance must be obtained from the Director of Public Works for any and all portions of the existing and proposed system not designed to perform under the County standards. We also recommend that the serving fire company review any fire hydrant spacing and locations.

A SWM plan, Road & Storm Drain plan, Water and Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The existing onsite stormwater management facility shall be analyzed by the engineer and a retrofit design provided as necessary to meet the current stormwater management requirements.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. This concept layout contains internal roadway characteristics and geometrics that require a variance to the Road Code before review of road design engineering submittals will be made by the Department. The Bay Leaf Drive and Ginger Lane centerline geometry shown does not appear to meet Road Code criteria for clear line of sight within the right-of-way and the cul-de-sacs do not meet Road Code standard R-14. The engineer must evaluate all the street horizontal curvature proposed and ensure the same meets Section 3.04 of the Road Code. The applicant must address this requirement with the layout submitted for Planning Commission review.

The applicant is required to supply a Protocol 2 Road Condition Survey of Mount Zoar Road. See the Department of Public Works November 2004 Guidance Document for the survey and reporting criteria. The extent of the survey shall cover Mount Zoar Road, from the site's Ginger Lane entrance to Maryland Route 222. Mount Zoar Road must be shown by the survey to meet Minor Collector Road standard R-7, or the applicant must reconstruct Mount Zoar Road to this standard or a standard acceptable to the Department of Public Works. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information and an initial road improvements proposal is required prior to

submittal for planning commission review of preliminary plat. In regards to the required offsite road improvements, the applicant/developer is responsible for all right-of-way acquisition and any costs associated with the same.

The following standard notes and requirements apply to this plat and project:

- 1.1. The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 1.2. Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance
- 1.3. Compliance with Section 3.07.15 of the Cecil County Road Code.
- 1.4. Requirements for Utility relocations.
- 1.5. Requirements for Public Works Agreements.
- 1.6. Requirements for Stormwater Inspection and Maintenance Agreements.
- 1.7. Requirements for Stopping Sight Distance measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Mount Zoar Road be upgraded to a Minor Collector Road standard for 100' either side of the two site entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. Public works agreements are required for the internal streets & storm drains and sanitary sewer and water constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. Applicant must provide stopping sight distance measurements for the new Mount Zoar Road access to DPW prior to preliminary plat submittal.

Mr. Kyte asked about the cul-de-sac size and street size. He also asked for no parking signs on the streets. Mr. Steere asked what the problem was with the cul-de-sacs. Mr. Woodhull said he will consult with Mr. Orr and get back with applicant. Ms. Latham cited the need to apply for an increase in the water appropriation permit. There may not be sufficient recharge to the property when we did the original about 7 years ago. We did the GAP for 158 sites. She advises an early application in submission to rework those figures. Mr. Moore read Health Department comments. See attached. There were no comments from SHA. Applicants were given SCS comments and maps. The Army Corp of Engineers commented that any proposed impacts to nontidal wetlands and other waters of the US will require DA authorization.

Mr. Di Giacomo said this proposal is in compliance with §3.8 of the Subdivision Regulations. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is MH, which permits a manufactured home park density of 6/1 for. Formerly known as the Mt. Zoar Mobile Home Park, a Concept Plat was approved by the Planning Commission on 8/17/98 at a density of 2.59 units per acre. The Mt. Zoar Mobile Home Park, Phases I, II, & III Preliminary Plat for 158 sites was approved on 10/19/98 by the Planning Commission with the following conditions:

- 1) Health Department requirements being met,
- 2) Department of Public Works requirements being met,
- 3) Plan for the private water and sewer system being approved by the Department of Public Works and the Health Department prior to final plat approval,
- 4) Plans for the wastewater treatment plant being approved by the Health Department and the Maryland Department of the Environment prior to final approval,
- 5) Maryland Department of the Environment issuing a permit to construct the wastewater treatment plant prior to final plat approval,
- 6) Bufferyard D being modified to fill in gaps on School House Road,
- 7) Outparcels being labeled as future development,
- 8) All references to lots being changed to sites,
- 9) Permits being obtained from the Corps of Engineers and the Maryland Department of the Environment for wetland impacts prior to recordation,
- 10) Setbacks being shown correctly,
- 11) Open space areas being shown,
- 12) Groundwater Appropriation Permit being issued by the Maryland Department of the Environment prior to final approval,
- 13) Accel, decel, and by-pass lanes being provided at both entrances,
- 14) A JD being done prior to final plat review,
- 15) "t" turn arounds being provided at the end of the streets adjacent to the future development areas.

A Final Plat was disapproved by the Planning Commission review in March 2000, but the Phase I Final Plat, proposing 63 manufactured home sites, was approved on 4/17/00, conditioned on:

- 1) That Health Department Requirements be met;
- 2) That DPW requirements be met;
- 3) That a deed restriction 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. The forest retention areas must be clearly shown.
- 4) That the standard forest retention/street tree note be placed on the plat.
- 5) That a landscape agreement be executed prior to recordation,
- 6) That any changes to the water or sewer plants be approved by DPW;
- 7) That the owner-operator of the community water and sewer service be approved by MDE and the Board of County Commissioners prior to recordation;
- 8) That permits from the Corps of Engineers and MDE for all wetland impacts prior to recordation;
- 9) That if any tot lots are to be included in Phase I, then details of the kinds of equipment will need to be included in the Public Works agreement;
- 10) That the gap in the Bufferyard D be filled in on the landscape plan for subsequent phases,
- 11) That access to open space between sites must be marked with concrete monuments,
- 12) That the word "Community" be replaced with "Park" in the title block on the Record Plat,
- 13) That the Master Water and Sewer Plan be amended prior to recordation.

Because of a pending appeal, the applicant sought and received a one-year extension of Preliminary Plat approval on 8/21/00. The Preliminary Plat's validity would have expired on 10/19/00 without an extension the recordation of Phase I – which was in doubt because of the pending appeal.

The Phase I Record Plat was recorded on 8/5/03. Per §4.1.17, that extended Preliminary Plat validity until 8/5/05. The original Concept Plat approval expired on 8/21/01. In addition, there is currently no valid FSD. This Phase II & III Concept Plat proposes 137 new plus the 63 existing Phase I manufactured home sites on 79.27 acres. The new proposed overall density is 2.52/1. The "Lot Layout" schematic depicts a typical double-wide layout. Manufactured home "lots" can exist only in manufactured home subdivisions. Therefore, all references to "lots" must be changed to "sites," including those in the "Development Summary." A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. If approved by the Planning Commission, this development will require that the existing Manufactured Home Park license be amended to include the additional sites.

This Concept Plat proposes a layout with points of ingress and egress for 200 sites only on Mount Zoar Road. For safety's sake, why hasn't another entrance been proposed on School House Road? The clubhouse facility proposed in Phase II is an accessory use to the proposed manufactured home park. Therefore, a major site plan submittal will not be

required. Rather, the applicant may show the details of those improvements, as required in §291 and Appendix A of the Zoning Ordinance, on subsequent Preliminary and Final Plats. Or, the applicant may wish to submit a separate site plan application pursuant to the provisions of §291 and Appendix A of the Zoning Ordinance. The issuance of a building permit for the clubhouse will be contingent upon either recordation or site plan approval.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25% must be shown again 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 JD must be done prior to preliminary plat review by the Planning Commission. Not less than 15% of the gross area shall be devoted to open space and recreational area, not including roads and bufferyards. The total proposed open space is 28.646 acres. Based on 79.27 acres, that is 36.14% of the total acreage. 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands.

20% landscaping of the development envelope is required in the MH zone, and rows of street trees are required along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. No street trees should be planted within 20 feet of sewer laterals and cleanouts. A surrounding Bufferyard Standard D is required, per §78.8. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The 10/16/98 FSD approval for the entire site expired on 10/16/03. A new FSD must be approved prior to Planning Commission's Concept Plat review. The habitats of any rare, threatened, and endangered species must be avoided. The Natural Heritage letter cited the potential for a number of sensitive species in the area; therefore, a sensitive species survey will be required to be completed prior to the TAC's review of the Preliminary Plat. 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. 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. Sidewalks are recommended on at least one side of all internal roads.

Each manufactured home site shall measure not less than 4000 ft² in area, and the minimum width at the setback line must be 50'. Minimum setbacks on all manufactured home sites shall be 15' front and rear, 10' on each side, as depicted. The road names Nutmeg Drive and Lemon Grass Drive have been at least partially reversed. All proposed road names have been approved. Fire hydrant locations must be established in consultation with the Port Deposit Fire Company and DPW.

§6.6.6 of the Subdivision Regulations requires local access streets be 34' wide, 28' paved, with curb & gutter. A Traffic Impact Study (TIS) will be required for 137 proposed new sites. A TIS was conducted in the spring of 1998 in conjunction with the original Concept Plat.

Verification must be received from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites. The proposed sites must be served by water & sewer systems approved by the Health Department. Sewer capacity to serve these proposed sites must be verified by the Department of Public Works prior to Final Plat review. Any Site Plans required in conjunction with providing adequate sewer or water facilities for this project must be approved 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 Master Water and Sewer Plan classifies the "Mount Zoar" Manufactured Home Park area as W-1 and S-2. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all sites offered for lease. Details of proposed amenities such as gazebos and any recreational equipment will need to be included in the Public Works agreement. All the requirements of §'s 30 & 78 of the Zoning Ordinance and §6.6 of the Subdivision Regulations must be met. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Meeting adjourned 3:55 p.m.

Respectfully submitted,

Kathleen O'Connell

Cecil County Technical Advisory Committee
April 5, 2006 Meeting Minutes

Present: Di Giacomo (CCP&Z), Woodhull (CCDPW), Moore (DEH), Kyte (FA), Latham (MDE), Markwardt (CCBoE), Brown (SCS), Graham (Citizen's Representative), Thomas (CCP&Z), Garrett (Town Administrator, Chesapeake City)

Absent: Cwiek (USACoE), Reynolds (Delmarva Power), and King (SHA).

Mr. Di Giacomo called the meeting to order at 9:00 a.m. and announced that agenda item # 6, Clinton Reddig, Lands of, had been withdrawn. In addition, at the request of the applicant, the order of the first two agenda items would be reversed.

2) Geracimos LLC, Concept Plat and Site Plan, Courtesy Review for Town of Chesapeake City, Route 213 and Basil Avenue, Chesapeake City, RJ Engineering Corp., Second Election District

Mr. Blomquist, RJ Engineering, and Mr. Geracimos presented the site plan proposal.

Mr. Graham and Mr. Markwardt had no comments.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: It is our understanding that this site is to be annexed by the Town of Chesapeake City and that they will provide water & sewer service. The CCDPW recommends that the water distribution system, including fire hydrant locations, and the sewer 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. All easements for the water lines must be reflected on the final plat.

Will the Town also be annexing Basil Avenue along this projects frontage? A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. If Basil Avenue remains a County Road a street & storm drain plan addressing the entrances must be approved by The CCDPW prior to submittal for Final Plat approval and the following comments apply. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Correctly identify the 30' RWUS shown as "30'wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County".

The following standard notes and requirements apply to this plat and project:

- 7.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 7.4 Requirements for Utility relocations.

- 7.5 Requirements for Public Works Agreements.
- 7.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 7.7 Requirements for County Roads.
- 7.8 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Basil Avenue be upgraded to a Minor Collector Road standard Minor Road standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Basil Avenue may not exceed 5% within the limits of the intersection right-of-way.
8. Applicant must provide stopping sight distance measurements for the Doctor Jack and Waibel Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Kyte questioned the placement of fire hydrants, interior road widths, and raised access issues.

Ms. Garrett stated that the process by which this property would be annexed into the Town of Chesapeake City had begun, and she confirmed the Town's desire to have this Site Plan reviewed by the TAC.

Ms. Latham indicated that a GAP would not be needed if Town water was used. Mr. Moore read Health department comments (see attached). Mr. Di Giacomo read SHA comments (see attached).

Mr. Di Giacomo said that this site plan and subdivision is proposed on property proposed to be annexed into 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. Until and unless the proposed annexation is completed, these comments shall be considered moot.

The proposed Town zoning is GC. No information has been provided on the subdivision, and the proposed R-3 zoning is not listed in the zoning table. It is recommended that the subdivision detail for the proposed R-3 being included in any submission to the Town. It is recommended that the proposed uses be checked for consistency with those allowed in the GC and R-3 zones. It should be confirmed that the setbacks are consistent with the Town's Zoning Ordinance for the GC and R-3 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. 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. Water allocation should be confirmed prior to final approval. Sewer allocation should be confirmed prior to final approval. This site is designated W-2 and S-2 by the Master Water and Sewer Plan.

It is recommended that the plat be checked to ensure that all requirements for Site Plans, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied. 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.

It is recommended that adequate pedestrian facilities, including sidewalks and crosswalks, be included in the design. Even though this is not proposed to be in the TND zone, it is recommended that a neo-traditional design, that would place the structures closer to MD 213 be considered. That could better create an attractive and distinctive sense of place, consistent with the character of the Town of Chesapeake City.

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 or floor area ratios are consistent with limits established in the Town's Zoning Ordinance and Subdivision Regulations. A detailed vehicular/pedestrian circulation and access plan should be submitted for the parking area. Potential pedestrian-vehicle conflicts should be identified. MUTCD signage, other traffic control devices, and striping should be considered. A bicycle rack might also be considered.

Consideration should be given to designing and signing the parking lot so as to discourage cut through traffic between MD 537 and MD 213. Such traffic is typically hurried and poses a potential threat to pedestrians and other vehicles. Consideration should be given to the use of protective fencing around any proposed stormwater management facility. No SWM facilities have been depicted.

Consideration should be given to requiring a Traffic Impact Study (TIS). A deceleration lane from SB MD 213 should be considered. 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. It is recommended that the locations of all structures 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 any stream buffer distances are consistent with the requirements of the Town's Zoning Ordinance and Subdivision 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. The 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 and/or final site plan.

It is recommended that 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. It is recommended that it be determined that the proposed entrances are offset at least 125'

from any entrance across MD 537, and that there is at least 750' of separation from any other intersections on MD 213 and MD 537.

1) Bridge Point Town Homes, Concept Plat, Courtesy Review for Town of Chesapeake City, Basil Avenue, Chesapeake City, RJ Engineering Corp., Second Election District

Mr. Blomquist, RJ Engineering, and Mr. Geracimos presented the proposed subdivision.

Mr. Graham had no comments.

Mr. Markwardt asked about interior road direction, sizes and proposed pricing of homes, and the anticipated start date.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: It is our understanding that this site is to be annexed by the Town of Chesapeake City and that they will provide water & sewer service. The CCDPW recommends that the water distribution system, including fire hydrant locations, and the sewer 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. All easements for the water lines must be reflected on the final plat. Will the Town also be annexing Basil Avenue along this projects frontage?

A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. If Basil Avenue remains a County Road a street & storm drain plan addressing the entrances must be approved by The CCDPW prior to submittal for Final Plat approval and the following comments apply. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Correctly identify the 30' RWUS shown as "30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County".

The following standard notes and requirements apply to this plat and project:

- 7.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 7.4 Requirements for Utility relocations.
- 7.5 Requirements for Public Works Agreements.
- 7.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 7.7 Requirements for County Roads .
- 9.8 Requirements for Driveways.
- 9.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - c. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - d. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Basil Avenue be upgraded to a Minor Road standard and for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Basil Avenue may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Basil Avenue access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Kyte again questioned the placement of fire hydrants, interior road widths, and access issues.

Ms. Garrett stated that the process by which this property would be annexed into the Town of Chesapeake City had begun, and she confirmed the Town's desire to have this subdivision proposal reviewed by the TAC.

Mr. Blomquist asked if the preliminary and final plats also must be reviewed by the TAC. Mr. Di Giacomo explained that, assuming annexation, the project would proceed through the Town's approval process, not the County's. If, under that scenario, the Town requests TAC review of preliminary or final plats, then the County will honor those requests.

Ms. Latham indicated that a GAP would not be needed if Town water was used. Mr. Moore read Health Department comments (see attached). Mr. Di Giacomo read SHA comments (see attached).

Mr. Di Giacomo stated that this site plan and subdivision is proposed on property proposed to be annexed into 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. Until and unless the proposed annexation is completed, these comments shall be considered moot.

The proposed Town zoning is TND. Twenty (20) proposed lots on 2.13 acres yield a proposed density of 9.39/1. It is recommended that the proposed density be checked for consistency with that allowed in the TND zone. It should be confirmed that the setbacks are consistent with the Town's Zoning Ordinance for the TND zone. 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. 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. Water allocation should be confirmed prior to final approval. Sewer allocation should be confirmed prior to final approval. This site is designated W-2 and S-2 by the Master Water and Sewer Plan.

If "One Way" is not the proposed street name, then the proposed direction of traffic flow should be shown, and the street name should be proposed. It is recommended that any Preliminary Plat not be approved without street name approval by the County's 911 Emergency Center. 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. Are any bike lane/trails proposed? Mr. Geracimos stated that they have sidewalks rather than trails.

Striped pedestrian crosswalks are recommended at all intersections. 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 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 protective fencing be considered around the stormwater management areas, as they are attractive hazards. It should be determined what the common open space acreage requirements of the Town's Zoning Ordinance and Subdivision Regulations are for the TND zone. 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 is recommended that the Landscape Plan be approved prior to final subdivision approval. Careful consideration should be given to the effective vegetative screening of MD 213 – possibly including a berm. It is recommended that a Landscape Agreement be executed prior to recordation.

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. 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.

It is recommended that all open space be referred to as common open space, unless it is to be public parkland. Unless it is to be public parkland, 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. It is recommended that 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. It is recommended that the Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale. It is recommended that it be determined that the proposed entrances are offset at least 125' from any entrance across MD 537, and that there is at least 750' of separation from any other intersections.

3) The Villages at North East, Preliminary Plat, Lots 1-709, Shady Beach Road, Taylor, Wiseman & Taylor, Fifth Election District.

Mr. Pugh, Corridor Land services, Mr. Meiskin, Windsor, and Mr. McAnnally, Taylor, Wiseman, & Taylor, presented the proposed subdivision's Preliminary Plat.

Mr. Graham had no comments.

Mr. Markwardt indicated that previous comments stood, and that he had no questions. Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: Applicant is required to update their request for public sanitary sewer allocation given the expired status of this project's concept and preliminary plats. 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.) This property is subject to the Mauldin Avenue Sewer Benefit Assessment (being finalized by the Board of County commissioners) in addition to connection fees.

The following submittals, at a minimum, must be approved by DPW prior to submittal for Final Plat Approval: A storm water management 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. If an on-site private system is proposed we recommend as a condition of approval that the system be designed in accordance with CC Water & 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 feet. The SWM ponds proximity to recreation areas may need to be fenced depending on the slopes designed for the ponds. 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. The Dela Plaine 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. 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. A timeline and schedule for the required offsite road improvements to Shady Beach Road and the MD Rte 272/Shady Beach Road/Hances Point Road intersection was established by the Department of Public Works on August 25, 2005, a copy of which correspondence is attached hereto for record.

Note 10 says private water supply, but the plan is for the county to accept the system; why hasn't the note been updated? What is the plan? If the water system is to be a privately maintained water system, the design of the same must be submitted to the Department of Public Works and must be approvable to the Department of Public Works in accordance

with the Cecil County Standard Specifications and Details for Water Mains and Sewer Mains. Additionally, departmental approval of the private water system design must be indicated by the owner by note on the final plat submitted for approval in accordance with Section 4.2.13(U) of the Cecil County Subdivision Regulations. Messrs. Pugh and Meiskin discussed negotiations with the County and Matt Carter in that regard.

The following standard notes and requirements apply to this plat and project:

- 11.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 11.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 11.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 11.4 Requirements for Utility relocations.
- 11.5 Requirements for Public Works Agreements.
- 11.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 11.7 Requirements for County Roads.
- 11.8 Requirements for Driveways.
- 11.9 Requirements for Final Plat - Public Water and Sewer Allocation.
- 11.10 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”*
 - c. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code requires that Shady Beach Road be upgraded to a Collector Road, Cecil County Road Code Standard R-7 for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage, private water and public sewer system constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Shady Beach Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
10. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Kyte reported that he had consulted with Chief Stephen Piatelli, North East Fire Company, Inc. Mr. Kyte asked a number of questions relating to the sizes of water lines, their anticipated flows, and the size of the storage tank.

Ms. Latham indicated that a GAP would not be needed if Town water was used. Mr. Moore read Health Department comments (see attached).

Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County's website, the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is SR and NAR. The SR zone permits a density of 1 du/ 1 acre. With community facilities, a density of 2/1 is permitted. In the SR portion, this Preliminary Plat proposes 709 lots on 354.77 SR-zoned acres, for a proposed density of 1.99/1. This proposal invokes the provisions of §6.1 of the Cecil County Subdivision Regulations

regarding “residential cluster development.” The 36.62 NAR-zoned acres are reserved for future development. The Concept Plat¹ was approved on 2/21/06, conditioned on:

- 1) A Concept density of only 709 dwelling units, or 2/1, being approved;
- 2) All previous conditions of the 9/16/02 Concept Plat approval remaining in effect, as appropriate;
- 3) Any future Concept Plats for this site providing accurate and current information that has first been reviewed by the Technical Advisory Committee;
- 4) Any future Concept Plat Extensions for this site containing accurate and current information that has first been reviewed by the Technical Advisory Committee; and
- 5) All previous agreements among the developer, SHA and the County regarding road improvements and their phased implementation continuing to be binding.

Therefore, that portion of Note #1 that contends that cluster development was approved in September of 2002 must be amended to reflect the 2/21/06 date prior to any submission for Planning Commission review. The boundary line survey has been completed. At the 2/21/06 Planning commission review, it was revealed that a pending Minor Subdivision application that was submitted for this property would have no effect on this major subdivision proposal, should the Minor Subdivision application be approved first. Is that still the case? Mr. Meiskin replied in the affirmative. A separate site plan has been submitted for the proposed recreation center, parking, and recreational facilities. Therefore, their details, as required in §291 and Appendix A, do not appear on this Preliminary Plat.²

¹ The original Concept Plat was approved at a density of 2/1 on 9/16/02 (it subsequently expired on 9/16/04), conditioned on:

- 1) The “potential roadway connection” being shown as an actual connection on the Preliminary Plat submitted for TAC review;
- 2) A boundary line survey being completed in the preparation of the Preliminary Plat for density calculation purposes;
- 3) Roadway names being approved prior to the Planning Commission’s review of the Preliminary Plat;
- 4) 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;
- 5) The Preliminary Plat including proper identification of the adjacent Old York Estates;
- 6) A variance for the private roads being obtained from the Board of Appeals prior to the Planning Commission’s review of the Preliminary Plat;
- 7) The Elk Neck Trail being identified clearly on the plat as to what it is and its location;
- 8) A stub being shown to the 33 acres in the NAR portion;
- 9) Shady Beach Road being designed and upgraded, by and at the cost of the developer, from their southern boundary to MD Rte. 272; and
- 10) A Traffic Impact Study being completed prior to Technical Advisory Committee review of the Preliminary Plat.

² The original Preliminary Plat was approved on 1/22/04, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public works requirements being met;
- 3) The walking/bike path along Vermeer Boulevard being changed to the west (or left) side of the road because of the high number of right turns anticipated at the intersection with Dali Avenue;
- 4) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Final Plat review;
- 5) The Final Plat including the remaining details of the proposed recreation center, parking, and recreational facilities as required in §291 and Appendix A of the Zoning Ordinance;
- 6) The developer, DPW, and SHA, prior to Final Plat review, determining 1) at what point of the build-out would traffic volumes trigger the unacceptable LOS (E or F), and 2) what specific improvements need to be implemented to bring the intersection to LOS D or higher (at full-build-out), as is consistent with the Comprehensive Plan;
- 7) The developer and DPW, prior to Final Plat review, determining and agreeing on 1) what specific Shady Beach Road improvements need to be implemented, and 2) when (in terms of the number of building permits) those improvements need to be implemented;
- 8) If the water source is the Town of North East, then verification of water allocation being 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.
- 9) 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 being received from MDE and documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review;
- 10) If the water source is an on-site private system, then it’s being reviewed by DPW and the Health Department prior to Final Plat review. The details of any on-site private water system must be shown on the Final Plat;

As currently proposed, the SR portion of the project cannot be realized without community facilities. The Master Water and Sewer Plan now includes the SR portion of this site as W1 and S3. The proposed lots and recreation center must be served by water and sewer systems approved by the Health Department.

Note # 10 now indicates that the water supply will be provided by an on-site community system, including wells, treatment facilities, and a storage tank – the details of which must be submitted to DPW with construction drawings.

Verification of the proposed water system's capability 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. In conjunction with the aforementioned construction drawings, the on-site community system, including wells, treatment facilities, and a storage tank must be reviewed by DPW and the Health Department prior to Final Plat review. All applicable provisions of §175 of the Zoning Ordinance shall be adhered to, although, if this becomes a County system, then would be moot.

Verification of sewer allocation must be received from the Department of Public Works prior to Final Plat review. Water supply and sewer service notes, consistent with §'s 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 wastewater pumping station is shown in Phase 5. The proposed potable water well and treatment plant is depicted partly on Phase 3 and Partly on Phase 7. The proposed potable water storage tank and well house are depicted on the area reserved for future development, and accessible via Phase 3's roads. Since all dwelling units and the clubhouse are to use those facilities, why haven't they been included in Phase 1? Mr. McNally indicated that the Phase 1 boundary could be redrawn on the plat, or that an appropriate facilities phasing note could be added prior to any submission to the Planning Commission.

A Traffic Impact Study (TIS) was prepared and showed that one intersection would operate at level of service (LOS) F at full build-out. Staff will recommend that all previous agreements between the developer, SHA and the County regarding road improvements and their phased implementation continue to be binding.

Preliminary Plat information shows that proposed lot sizes range from 5,720 to 13,012 ft². 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. Documentation of the JD has been

11) The required amendments to the Master Water and Sewer Plans being complete prior to Final Plat review;

12) Verification of sewer allocation being received from the Department of Public Works prior to Final Plat review;

13) S. Monet Avenue being of sufficient width to accommodate whatever traffic volumes are generated by the future development on the NAR-zoned portion of the property;

14) The Elk Neck Trail greenway connecting with the adjacent, proposed Rhodes Mountain Estates;

15) The name will hence forward be the Villages at North East; and

16) All issues being resolved and questions answered relative to the greenway and Elk Neck Trail prior to Final Plat review.

Subsequently, Phase 1 and 2 Final Plats were submitted for the 8/15/05 Planning Commission meeting, but then withdrawn. The Preliminary Plat approved on 1/22/04 expired on 1/22/06, per §4.1.17.

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

Fifteen percent (15%) common open space is required; 56% is proposed, based on the 354.77 SR acres. The C.O.S. sensitive areas thresholds are have been included. The Elk Neck Trail greenway has been depicted on the plat. It should connect with the proposed Rhodes Mountain Estates. Given the information provided in Note # 18, it is unclear if the trail depicted is the proposed relocation. Mr. McAnally indicated that the relocated trail was depicted.

Twenty percent (20%) landscaping of the development envelope is required in the SR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Shady Beach Road, as shown on sheets 2 and 3. Street trees with 10' planting easements 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.

The FSD was approved on 9/11/02 and revised on 5/20/03. There were no habitats of rare, threatened, and endangered species on the property, but there was FIDS habitat. The PFCP was approved on 1/13/04. As the reforest retention area details have again not been included on the plat, consistency with the approved PFCP is impossible to determine. Why haven't the FRA's been depicted? Mr. McAnally reported that that had been worked out between Mr. Gochnauer and Mr. Black. Mr. Di Giacomo promised to check on that.

The FCP and Landscape Plan must be approved prior to any Final Plat review. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat. All public road names were previously approved. 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. The adjacent Old York Estates subdivision 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. As previously mentioned, a major site plan, containing details as required in §291 and Appendix A of the Zoning Ordinance, was previously submitted. The issuance of a building permit for the recreation center will be contingent upon Site Plan approval, which must be entirely consistent with all Record Plats. 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. Mr. Di Giacomo noted that the details of the proposed water tower were provided earlier. It is unclear why there are approval signature blocks on sheets 2-5 of this Preliminary Plat. However, the applicant is hereby advised that on Final Plats the signature blocks are required to be in the lower left-hand corner and on all sheets. The tax map, parcel, and grid numbers must be included on any plat submitted for review by the Planning Commission. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

**4) Stonebridge LLC, Concept Plat, Bethel Church Road,
Northern Bay Land Planning, 5th Election District**

Mr. Pyles, Northern Bay Land Planning, presented the proposal, whose previous Concept Plat approval has expired.

Mr. Graham had no comments.

Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: 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 ROW dedication, along Bethel Church Road frontage, must be shown on the plat and denoted as, “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 potential for inclusion of “Dry Hydrants” should be discussed with the serving fire company. This is all predicated on whether the SWM facilities are designed as wet ponds of sufficient volume to support dry hydrants. The 20’ wide Inspection & Maintenance easement, adjacent to Lots 22-25 & 27, may need to be wider depending on the conveyance system proposed.

Bethel Church Road currently meets a Minor Road standard and is an overlaid tar and chip road in section. The Minor Road classification is designed to handle an ADT of less than 500. Recent traffic counts indicate an ADT 700^{+/-} with no new development impacting Bethel Church Road. At an ADT of 700^{+/-} the roadway width and section are marginal, at best, for supporting the current traffic loading. With the addition of 33 houses of this Development the ADT is expected to rise to 1030^{+/-} and would reach 2700^{+/-} when Bethel Springs and Bedrock developments are completed. The Department considers Bethel Church Road inadequate for that traffic load. Therefore, the developer, alone or in conjunction with other applicants, will be responsible for off-site improvements to Bethel Church Road. This Department is well aware of the design difficulties associated with accomplishing this upgrade without undue burden upon existing residential home sites. As such, the Department will consider some modifications to the Minor Collector Road standards where necessary to meet site constraints and encourage creative solutions. The

Department expects that most of the required improvements would be achievable within the existing Proscriptive Right of Maintenance enjoyed by the County on Bethel Church Road. These improvements would consist of but not necessarily be limited to widening, repair and/or establish shoulders, and improve roadside drainage. The extent of this upgrade, at a minimum, would be from the intersection of Falling Water Drive and Bethel Church Road to the Bethel Church Road/Marysville Road intersection. The off-site work will be required prior to the last house being built in the Development.

Any applicable Road Code Variance 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.

The following standard notes and requirements apply to this plat and project:

- 9.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 9.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 9.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 9.4 Requirements for Utility relocations.
- 9.5 Requirements for Public Works Agreements.
- 9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 9.7 Requirements for County Roads.
- 9.8 Requirements for Driveways.
- 9.9 Requirements for Final Plat - Public Water and Sewer Allocation.
- 9.10 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”*
 - c. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*

2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Bethel Church Road be upgraded to a Minor Collector Road, Cecil County Road Code Standard R-7 for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The internal street grade leaving Bethel Church Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
10. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Kyte reported that he had consulted with North East Fire Chief Stephen Piatelli. Mr. Kyte indicated that a drafting with a pull-off near the entrance would be desirable.

Ms. Latham indicated that a GAP would be needed. Ms. Latham also presented the applicant with a copy of MDE's Basic Permit Process for Water Use and Appropriation document (see attached). Mr. Moore read Health Department comments (see attached).

Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County's website, the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is DR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 4/1 permitted. This Concept Plat proposes 33 lots, streets, and 14.16

acres of common open space on 33.23 acres, for a proposed density of 1/.993. This same proposal was approved by the Planning Commission on 3/15/04, but that approval expired on 3/15/06, per §4.0.9 of the Subdivision Regulations, which provides that Concept Plats shall be valid for two years from date of approval. The Subdivision Regulations are silent on the issue of the re-approval of an expired Concept Plat, which has no standing.³

There have been modifications since this proposal was first reviewed by the TAC in May 2002, including landscaped island in the proposed cul-de-sacs and a stub road connecting to the adjacent lands of Schultz. There have been no modifications since the 3/15/04 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 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25% must be shown on the preliminary plat. A 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. A sensitive species survey conducted on 11/15/03 revealed that there were no habitats of rare, threatened, and endangered species on the site. 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'.

Fifteen (15%) common open space is required; 43 % 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, if any. The Stony Run stream buffer has been shown on the plat.

The easements/rights-of-way across the areas of common open space are inconsistent with §176 of the Zoning Ordinance. The one from Baron Road can be eliminated because of the stub road to the Lands of Schultz. What is the purpose of the 100' wide right-of-way through the proposed common open space to the south of proposed Lot 14? Mr. Pyles indicated that it was a farm access easement for cattle to get to the stream.

Has any consideration been given to extending the common open space along the rear of proposed Lots 28.29 & 33 to join the westerly common open space strip along the entranceway? Mr. Pyles answered in the affirmative. Access to common open space between lots must be marked with concrete monuments. Twenty percent (20%)

³ However, in seeking a basis upon which to make a reasonable recommendation, staff notes that §4.0.10 deals with extensions of Concept Plat approval, and mandates that "The [Planning] Commission shall consider the following: a)Change in the zoning classification of the property; b)Change in the Zoning Ordinance; c)Change in the Subdivision Regulations; d)Change in the Comprehensive Plan; e)Change in the Critical Area designation of the property; f)Change in the Critical Area Program; g)Change in the Forest Conservation Regulations."

landscaping of the development envelope is required in the DR zone. Sidewalks are recommended on both sides of all internal roads in the DR zone. The proposed road names, Falling Water Drive and Cascade Court, have been approved.

Bufferyard Standard A is required along a portion of the rear lot line of proposed Lot 13 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 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) was approved on 5/28/02. The Natural Heritage Service recommends that "appropriate sediment and erosion control measures be taken to minimize impacts to nearby wetlands." The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. 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 Plats.

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 Cecil County DPW must verify sewer capacity prior to the review of the Final Plat by the Planning Commission. Has any consideration been given to relocating the power line over proposed Lots 3-8? It should be relocated. Mr. Pyles said the intent was to move the line. 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 Master Water and Sewer Plan classifies this site as S1. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

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. Di Giacomo announced that the 9th agenda item, the Chesapeake Club, Preliminary Plat, had just been withdrawn.

**5) Clover Meadows, Concept Plat, Weaver Meadows Road,
Michael S. McAllister, Surveyor, Eighth Election District**

Mr. McAllister presented the proposal, along with Mr. Vanderhoef, explaining the inclusion of 3 minor subdivision lots and the requesting of bonus density.

Mr. Graham had no comments.

Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development. Mr. Vanderhoef indicated that, if approved, the development would commence as soon as possible.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Correctly identify the 30' RWUS shown as "30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County". Verify road geometry compliance with Section 3.04 of the Road Code. Lots A & B are denied access to Weaver meadows Road. The Lots B & C are to be denied access to the 50' ROW to Parcel 520. The proposed SWM area located on Lots 11 & 12 should be in common open space.

The following standard notes and requirements apply to this plat and project:

- 7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 7.4 Requirements for Utility relocations.
- 7.5 Requirements for Public Works Agreements.
- 7.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 7.7 Requirements for County Roads.
- 7.8 Requirements for Driveways.
- 7.9 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation,*

and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”

- b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 3. Section 3.07.15 of the Road Code directs that Weaver Meadows Road must be upgraded to a Minor Road Standard for a distance of 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
 4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
 5. A Public Works Agreement is required for the private mini road & storm drainage construction. A Public Works Agreement is required for the county streets & storm drainage constructions.
 6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.
 8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
 9. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Kyte recommended the inclusion of a drafting tank. He and Mr. Vanderhoef discussed drafting tank costs and specifications. Ms. Latham indicated that a GAP would be needed. Mr. Moore read Health Department comments (see attached).

Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County's website, the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 16 major- and 3 minor-subdivision lots on 53.62 acres. After deducting 3.73 acres for the proposed minor subdivision lots, a major subdivision bonus density of 1/3.12 is proposed.

§2.4.1 has not been invoked. If the proposed bonus density were to be disapproved by the Planning Commission, then, with the invocation of §2.4.1, the maximum potential lot yield would be 13, instead of the 19 now proposed. Had §2.4.1 been invoked in conjunction with bonus density, then, the potential lot yield would have been 20, instead of the 19 now proposed.⁴

Nowhere do the Subdivision Regulations countenance the use subdivision letters instead of the convention subdivision numbers. Nor is there any precedent for lettering subdivision lots. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

What is the acreage of the 50' wide right-of way going to P. 520, and how would that affect the density calculation? Mr. McAllister said it is proposed to be part of Lot C; therefore; the acreage has already been included in all calculations. Pursuant to §7.2.12.E.4, has it been determined that the proposed entrance location is at least 450' distant from the 50' wide right-of way entrance to P. 520 to the north? Mr. McAllister said that the application §7.2.12.E.4 is more appropriate for public streets than common driveways.

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

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

A 25' buffer is required around all non-tidal wetlands 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. Fifteen percent (15%) common open space is required, 34.37% is proposed. The proposed large lot, Lot 8, would consist

⁴ That, however, would have resulted in there only being 58% open space, given the present design, because the minor sub acreage would not have been deducted.

of 12.72 acres, or 23.72%. The proposed large lot and common open space would total a combined 31.15 acres, or 62.44% of the total, after deducting 3.73 acres⁵ for the proposed minor subdivision lots. No landscaping of the development envelope is required in the NAR zone. Sidewalks are not recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Weaver Meadows 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. 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed road name, Blarney Lane, has been approved. Access to common open space between lots must be marked with concrete monuments. Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation. A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. 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.

**6) Clinton Reddig, Lands of, Concept Plat, Shady Beach Road,
RJ Engineering Corp., Fifth Election District**

WITHDRAWN

**7) Liberty Grove Reserve, Concept Plat, Liberty Grove Road,
Bay State Land Services, Inc., Sixth Election District**

Mr. David Dodge and Mr. John Mars, Bay State Land Services, Inc. presented the subdivision proposal, explaining the rationale for the requesting of bonus density.

⁵ Absent that deduction, there would have been only 58% open space, thus disqualifying this design from bonus density eligibility.

Mr. Graham read a letter sent to Mr. Di Giacomo by Ms. Ella Mae Truslow, in opposition to this proposal.

Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: 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 cul-de-sac bulb is not in compliance with Road Code Standard Detail R-14. New intersection/entrance signage will be required along Liberty Grove Road. Is open section road proposed for this site? Have you given any consideration as to how you will address SWM for this site? Steep slopes on site will present a serious challenge to your SWM design approach. Any stormwater management facilities discharging to the Basin Run watershed shall be designed to meet Stream class III and IV standards in the 2000 Maryland Stormwater Design Manual (specifically addresses thermal impacts).

The following standard notes and requirements apply to this plat and project:

- 8.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
- 8.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 8.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 8.4 Requirements for Utility relocations.
- 8.5 Requirements for Public Works Agreements.
- 8.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 8.7 Requirements for Stopping Sight Distance measurements.
- 8.8 Requirements for County Roads.
- 8.9 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either*

or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Liberty Grove Road be upgraded to a Minor Collector Road standard for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the streets & storm drainage construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. Applicant must provide stopping sight distance measurements for the Liberty Grove Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank.
8. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Liberty Grove Road may not exceed 5% within the limits of the intersection right-of-way.
9. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Kyte recommended the inclusion of a drafting tank and questioned road widths and the radius of the cul-de-sac bulb.

Ms. Latham indicated that a GAP would be needed. Mr. Moore read Health Department comments (see attached).

Mr. Di Giacomo said that originally this proposal was not in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. Subsequently, it was found to be in compliance. With regard to the posting of plats on the County’s website, the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 10 lots on 32.34 acres, for a proposed density of 1/3.234. Mr. Mars indicated that a boundary line survey had already been completed in conjunction with the preparation of the Concept Plat for density calculation purposes.

Inasmuch as Canning House Lane, now used to access adjacent properties, is situated on land that is proposed to be common open space, and inasmuch as common open space, pursuant to §176.2.a, cannot contain road rights-of-way, how are the adjacent residents proposed to access their homes? Mr. Mars specified that the boundary line survey revealed that Canning House Lane is not on this property. Canning House Lane is depicted in the vicinity map. What isn't it also depicted on the plat?

The title block indicates that the site is in both the 6th and 7th Election Districts. As the boundary between those election districts is Basin Run, and the plat does not show the property boundary to cross the stream, then, therefore, this project is in the 6th Election District only. That must be corrected prior to any submission to the Planning Commission. "Frist" Road has been misspelled on the plat, but not the vicinity map. That must be corrected prior to any submission to the Planning Commission.

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

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.

Fifteen percent (15%) common open space is required; 26.65% is proposed. Note # 4 erroneously indicates that 71% common open space is proposed. That must be corrected prior to any submission to the Planning Commission. The proposed large lot, Lot 10, would consist of 44.31% of the total acreage. The proposed common open space and large lot together total 70.96% of the total acreage – unless the Canning House Lane right-of-way acreage is deducted, pursuant to §176.2.a. The proposed common open space and large lot together must total 60% of the total acreage to qualify for bonus density eligibility in the NAR zone. Proposed Lot 10 is shown to be both an individual lot and common open space. That must be corrected prior to any submission to the Planning Commission. This plat shows Parcel 135's having three different road frontages on Liberty Grove Road. However, the tax maps depict a fourth Liberty Grove Road frontage between adjacent

Parcels 107 and 514. It was explained that the boundary line survey revealed that the tax map configuration is incorrect.

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 Liberty 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 street tree requirements. A Bufferyard Standard A will be required along the northern property line of proposed Lot 1. Given the Bufferyard A and other required setbacks, proposed Lot 1 may be difficult to achieve. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The FSD must be approved prior to Planning Commission review of the Concept Plat. 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. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed road name, Pine Needle Court, has been approved. Pursuant to §7.2.12.E.5, has it been determined that the proposed Pine Needle Court is either directly opposite the opposite-side entrance or offset at least 125', and why hasn't the opposite-side entrance on Liberty Grove Road been depicted on the plat?

Pursuant to §7.2.12.E.4, has it been determined that the proposed entrance location is at least 450' distant from the proposed Murphy's Run entrance to the north? 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. 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.

**8) Bracebridge Estates, Preliminary Plat, Grove Neck Road,
Morris & Ritchie Associates, Inc., First Election District**

Mr. James Keefer, RLA, Morris & Ritchie Associates, Inc., presented the Preliminary Plat proposal. Mr. Keefer verified that he had received a faxed copy of the Critical Area Commission's staff comments.

Mr. Graham had no comment.

Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: 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. 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. The Department will allow the use of Road Code Standard R-12, Dual Lane Road, for the full length of McGill Creek Farm Lane in lieu of an intermediate turnaround. It is the Department's position that the use of Standard R-12 in this instance more adequately addresses the concerns that created the requirement for intermediate turnarounds (R-13) in the first place.

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, 8, 9, 16, 17, 73, 74, 78, 79, 90, 101, 102, & 108 must be denied access to McGill Creek 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."

The following standard notes and requirements apply to this plat and project:

- 8.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 8.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 8.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 8.4 Requirements for Utility relocations.
- 8.5 Requirements for Public Works Agreements.
- 8.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 8.7 Requirements for County Roads.
- 8.8 Requirements for Driveways.
- 8.9 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation,*

and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”

- b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 3. Section 3.07.15 of the Road Code directs that Grove Neck Road must be upgraded to a Minor Collector Road Standard for a distance of 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
 4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
 5. A Public Works Agreement for the county streets & storm drainage constructions.
 6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Grove Neck Road may not exceed 5% within the limits of the intersection right-of-way.
 8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
 9. Applicant must provide stopping sight distance measurements for the Grove Neck Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Kyte recommended including a drafting tank, questioned road widths and the placement of dry hydrants, and questioned the naming of the looped President’s Circle. Two consecutive President’s Circles are potential confusing for emergency responders.

Ms. Latham indicated that a GAP would be needed. Mr. Moore read Health Department comments (see attached). Mr. Moore indicated that the Preliminary Plat, as is, is not ready for submission to the Planning Commission. A copy of Mr. King's SHA comments was provided to the applicant (see attached).

Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County's website, the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is SAR and RCA. The SAR zone permits a maximum base density of 1 du/ 8 ac., or 1/5 if bonus density is granted. The RCA overlay zone permits a density of 1/20. The Concept Plat was approved at 1/5 bonus density on 7/19/04, conditioned on:

- 1) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes;
- 2) A sensitive species survey being done prior to the Planning Commission's review of the Preliminary Plat;
- 3) A JD being done prior to the Planning Commission's review of the Preliminary Plat;
- 4) A note being placed on the plat to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
- 5) A Traffic Impact Study (TIS) being completed prior to the TAC's review of the Preliminary Plat;
- 6) A mid-block turnaround being required on Gettysburg Drive (outside the Critical Area in so far as possible) and a mid-block turnaround being waived on McGill Creek Farm Lane; and
- 7) Water quality issues being met.

This Preliminary Plat's proposed density and overall layout are generally consistent with the approved Concept Plat. What is intended for all existing buildings that are to remain? Mr. Keefer said they are to remain in place.

While only thirteen (13) lots are proposed to have dwellings in the Critical Area (RCA), 16 lots are proposed to be at least partially within the RCA boundary. With 303.3 Critical area acres, that works out to a proposed Critical Area density of 1/18.95 – which would trigger a Special Growth Allocation, as indicated in the CBCAC staff letter.

Fifteen percent (15%) common open space is required; 27.6% is proposed. The common open space and the proposed large lot, Lot 41, together consist of 65.3% of the total acreage. Thus, bonus density eligibility has been maintained. All lots except 41 and 53-55 are proposed outside the Critical Area Buffer/Expanded Buffer. All lots except 41 are proposed outside 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. Per Note # 11, the boundary line survey has been completed. Stream and wetlands buffers have been shown. Steep slopes are shown on portions of a number of proposed lots 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. Permits are required from the Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A 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. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD and an Environmental Assessment were approved on 6/11/04. In addition to the eagle's nests, the Natural Heritage Service indicated that four other sensitive species are known to occur in the vicinity. Therefore, a sensitive species survey was required to be completed prior to Preliminary Plat review by the Planning Commission. What progress has been made? Mr. Keefer responded that he thought it had been completed.

There may be some confusion regarding the Bald Eagle's Nests. Are there 2 active nests, or have the eagles moved from the "old" to the "new" nest? Mr. Keefer stated that there is one nest – which has relocated from the old to the new location. Zone 3's critical dates must be listed on the Final/Record Plats. 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.

The RCA portion of the project is exempt under §3.2B, as noted. 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. The 15% impervious cover threshold applies to the entire portion of the subdivision within the Critical Area and those proposed lots greater than one acre in size. For proposed lots one acre or less in size (50 & 54-55) the impervious cover limitation is 25% (§200.8.a). That must be noted on the plat. 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. All proposed road names have been approved. A TIS has been completed, as required, and it is under review. It appears that all affected intersections would continue to operate at an acceptable LOS. Access to common open space between and beside lots must be marked with concrete monuments.

If there are any plans for a community pier, then §'s169 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

Maintenance Association for maintenance of the Lookout Point Court 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.

**9) The Chesapeake Club, Preliminary Plat, Section G, Lots 1-5,
Route 272, McCrone, Inc., Fifth Election District**

WITHDRAWN

**10) Louise, Preliminary Plat, Section 1, Lots 1-11 & 27-40, Dr. Jack &
Waibel Roads, McCrone, Inc., Sixth Election District**

Messrs. Mike Burcham, Tom Montgomery, and Jeff Sellers presented the Preliminary Plat.

Mr. Graham had no comment.

Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development. He also expressed concern about school bus access so long as there are barricades on Waibel Road.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: 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. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Storm drainage easements must be separated from private stormwater management and access easements. Identify the existing gas transmission line and its owner on the preliminary and final plats. The southern Waibel Road entrance may require vertical profile improvements along Waibel Road for adequate stopping sight distance as part of the entrance improvements approval. New entrance signage will be required and must be shown as to type and location on the internal street and subdivision access construction drawings. Applicant must obtain the Susquehanna Transmission Company of Maryland's right-of-way and easement dedication conditions and approval for construction of the internal county road (Herbies Curve). The Susquehanna Transmission Company of Maryland must approve of the construction of a public road over the transmission company right-of-way before final plat submittal to the planning commission. It is recommended that the Applicant obtain this information prior to preliminary plat approval by the planning commission, so as to avoid any costly site re-design that might be necessitated by a refusal from the transmission company.

The following standard notes and requirements apply to this plat and project:

- 6.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 6.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 6.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 6.4 Requirements for Utility relocations.
- 6.5 Requirements for Public Works Agreements.
- 6.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 6.7 Requirements for County Roads.
- 6.8 Requirements for Driveways.
- 6.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - e. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - f. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Doctor Jack Road be upgraded to a Minor Collector Road standard and that Waibel Road be upgraded to a Minor Road standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. This also applies to the intersection R.O.W. dedication at Doctor Jack and Waibel Roads. The internal street grade leaving Doctor Jack and Waibel Roads may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Doctor Jack and Waibel Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Kyte questioned road widths and the placement of a drafting tank.

Ms. Latham indicated that a GAP would be needed. Mr. Moore read Health Department comments (see attached).

Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County's website, the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is NAR. The Concept Plat, proposing 5 minor subdivision lots and 44 major subdivision lots on 134.5 acres, was approved at the bonus **NAR** density of **1/3.06** on 1/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The applicant's obtaining verification from MDE that the pumping at full yield of wells on this project will not be affected by any contaminants moving in the direction of these wells from contaminated sites.

Has the boundary line survey been completed? Mr. Burcham answered in the affirmative. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25% have been shown. The stream and wetland buffers have been shown. Permits are required from the Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A JD must be done prior to preliminary plat review by the Planning Commission. The habitats of rare, threatened, and endangered species must be avoided.

Fifteen percent (15%) common open space is required; 21.49% was proposed on the approved Concept Plat – with which this Section 1 Preliminary Plat is consistent. No landscaping or sidewalks are required. Bufferyard Standard C is required, outside the right-of-way, along the Doctor Jack & Waibel Road frontages. They have not been depicted. 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 FSD was approved on 1/13/06. 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. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The internal road names have been approved. Common open space access 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. Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD will be required prior to the Planning Commission’s review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of 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. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

11) Silverado, Preliminary Plat Lots 5-75, Razor Strap Road, McCrone, Inc., Fifth Election District

Messrs. Mike Burcham, Tom Montgomery, and Jeff Sellers presented the Preliminary Plat.

Mr. Graham had no comment.

Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development. He also expressed concern about school bus access.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: It is the Department’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. All easements for the

water lines must be reflected on the final plat. 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 off-street parking lots shown will require a road code variance. No Road Code Variances have been sought for this project. The required variance must be requested prior to submitting this project to the Planning commission for Preliminary Plat approval. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. Upgrades to Razor Strap Road west of the bridge over Stoney Run are funded in the Cecil County CIP for fiscal years 2006 and 2007. At this time, the design is complete, with right-of-way acquisition being performed by Cecil County. The overall improvements project may be phased. At this time, the Department cannot definitively state when Razor Strap Road will be upgraded from the bridge over Stoney Run to Red Toad Road. All parking areas are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code. The Department recommends that the Town require a PWA for the water.

The following standard notes and requirements apply to this plat and project:

- 9.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 9.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 9.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 9.4 Requirements for Utility relocations.
- 9.5 Requirements for Public Works Agreements.
- 9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 9.7 Requirements for County Roads.
- 9.8 Requirements for Driveways.
- 9.9 Requirements for Final Plat - Public Water and Sewer Allocation.
- 9.10 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*

- c. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 3. Section 3.07.15 of the Road Code requires that Razor Strap Road be upgraded to a Minor Collector Road, Cecil County Road Code Standard R-7 for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
 4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
 5. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.
 6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 7. The internal street grade leaving Bethel Church Road may not exceed 5% within the limits of the intersection right-of-way.
 8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
 9. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
 10. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Kyte questioned road widths and the placement of fire hydrants.

Ms. Latham indicated that a GAP would not be needed. Mr. Moore read Health Department comments (see attached). Mr. Di Giacomo provided a copy of Mr. King’s SHA comments and reported that a revised TIS had not yet been received.

Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County's website, the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is RM, which permits a maximum base density of 6 du/ 1 ac. with community facilities, and up to 12/1 for townhouses. The Concept Plat, proposing 71 townhouse lots on 14.98 acres, for a proposed density of 4.74/1, was approved on 8/15/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The TIS being completed prior to the TAC's review of the Preliminary Plat.

This Preliminary Plat is consistent with the approved Concept Plat **except** that it now includes some of the adjacent lands of Jansen. For that reason, a revised **FSD** that includes the add-on areas must be approved. A Concept Plat for the adjacent lands of Jansen, reviewed by the TAC on 9/1/04, has no official status. However, coordination between the two projects to effectuate enhanced access was encouraged – especially from the perspective of emergency service response. Do these add-ons represent progress in coordination?

Note # 16 addresses the intended disposition of Lot 2, Minor Subdivision #2650. Has the boundary line survey been completed? Mr. Burcham replied that it had. As noted, this plat is intended to supercede "Montgomery Springs, Lots 5-14," recorded on 4/23/04. As noted on the Montgomery Springs, Lots 5-14 record plat, the Razor Strap Road driveway for Lot 1 of Minor Subdivision #2650 must be removed at the completion of Stoney Run Creek Road. A new access has been depicted on Stoney Run Creek Road. The 10' wide access easement running along the southeastern part of the site (per MS #2699, allowing access to parcel 771) has been shown.

The minimum face to face distance between townhouse structures shall be 60'. On slopes between 15 & 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. No slopes greater than 25% have been shown. A note referring to slopes > 15% points to a non-hatched area. Is the entire site > 15%? That was reported to be a drafting error. 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 must be completed prior to Preliminary Plat review by the Planning Commission.

This proposal satisfies the common open space provisions of the RM zone. Twenty percent (20%) is required; 50.82% – not including the overflow parking area – is proposed. §176.2.a prohibits any common open space being used for parking. Therefore, that area, 7,902ft², has been accounted for separately from the C.O.S. acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners' Association. The C.O.S. sensitive areas thresholds have been calculated and included.

A minimum of 25% landscaping of the development envelope is required in the RM zone. In addition, 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 trees, shrubs, gardens, or other suitable ground cover. Sidewalks are recommended on both sides of all internal roads. Bufferyard Standard C will be required, outside the right-of-way, along the Razor Strap Road frontage. In addition, a 25' 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' planted bufferyard. This required bufferyard has been omitted for portions of the site, including the area near the Stoney Run Creek Road rear turnaround. Part of that area is adjacent to an area of common open space in Northwoods, Section III. The balance of the adjacent Northwoods property is not yet developed; therefore, staff cannot recommend a modification of the §29.5.a (2) bufferyard requirement while the possibility exists that the teardrop turnaround would abut the property lines of future Northwoods lots.

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. The FSD was approved on 7/26/05, conditioned on the Natural Heritage Service letter being submitted and any issues being addressed prior to PFCP approval. A revised PFCP and FCP were required because this design differs from the Montgomery Springs FCP approvals. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. It has not been received.

The FCP and Landscape Plan must be approved prior to Final Plat review. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The access easement behind proposed Lots 20-49 must be labeled. Fire hydrant locations must be finalized in consultation with the North East Volunteer Fire Company and the Department of Public Works. The proposed road name has been approved.

Access to common open space between lots must be marked with concrete monuments. A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. The Master Water and Sewer Plan shows this site to be in **W1** and **S1** service areas. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale. Water allocation must be confirmed by the Town of North East prior to Final Plat review. Sewer allocation must be confirmed by the DPW prior to Final Plat review. All required documents from AT&T 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. A Traffic Impact Study (TIS) was completed. It needed additional review, based upon a 3/21/06 letter from SHA. An amended TIS has not yet been received. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

**12) Montgomery Oaks, Preliminary Plat, Section 2, Lots 62-140,
Old Bayview Road, McCrone, Inc., Fifth Election District**

Messrs. Mike Burcham, Tom Montgomery, and Jeff Sellers presented the Preliminary Plat.

Mr. Graham had no comment.

Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development. He also expressed concern about school bus access.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: It is the Department'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. All easements for the water lines must be reflected on the final plat. 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.

Any Road Code Variances must be sought prior to applying for Preliminary Plat approval to the Planning commission. No Variances have been received to date. A line of sight easement will be necessary along the inner radius of the curve in Madison Paige Drive. Inner lane widening may also be necessary and must be addressed by the engineer. Lot frontage dimensions dictate that closed section road is used. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs. A Protocol Three offsite Road Condition Survey is required for Bailiff Road, from proposed Bay View Woods Lane to Pine Cone Drive and must be submitted to the Department of Public Works along with any Initial Road Improvements Proposal prior to submittal of a Preliminary Plat to Planning Commission.

Sewer services for lots 95 through 103 to connect to a new gravity collection main in Madison Paige Drive. Given the proposed proximity of lot 95 through 103 house foundations to the existing gravity sewer, applicant must engage a professional soil foundation/structural engineer to address the potential for house foundation impact to the gravity sewer, as well as to identify any potential for future foundation stability issues when maintenance excavations are needed along this section of gravity sewer main. The

Department recommends that the Town require a PWA for the water lines and all water line easements required must be reflected on the final plat.

The following standard notes and requirements apply to this plat and project:

- 9.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 9.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 9.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 9.4 Requirements for Utility relocations.
- 9.5 Requirements for Public Works Agreements.
- 9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 9.7 Requirements for County Roads.
- 9.8 Requirements for Driveways.
- 9.9 Requirements for Final Plat - Public Water and Sewer Allocation.
- 9.10 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”*
 - c. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Bailiff Road be upgraded to a Minor Collector Road, Cecil County Road Code Standard R-7 for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any

right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The internal street grade leaving Bethel Church Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
10. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Kyte questioned road widths and indicated that Chief Piatelli thought the design looked "okay."

Ms. Latham indicated that a GAP would not be needed. Mr. Moore read Health Department comments (see attached). Mr. Di Giacomo provided a copy of Mr. King's SHA comments and reported that additional study would be required.

Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County's website, the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public. The zoning is DR. The original Section 1 Concept Plat was approved 9/21/92. 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. The Section 2 Concept Plat, proposing 79 lots on 40.8 acres for a proposed Section 2 density of 1.94/1, was approved on 8/15/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) A TIS being completed prior to the TAC's review of the Preliminary Plat; and
- 4) A sensitive species survey being completed prior to the Preliminary Plat review by the TAC.

As commented at that time, the plat's stated density was incorrect and must be changed. The misstated density of 3.78/1 would yield 154 lots on 40.82 acres; only 79 were approved. Why hasn't the density been corrected?

Has a boundary line survey been completed? Yes. What has the required sensitive species survey revealed? Mr. Burcham said that he would need to check.

No slopes > 25% are 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. Proposed lots 68 and 80-82 have substantial portions encumbered by steep slopes. Proposed Lots 106-107, 121-123, 127, & 139-140 have significant portions encumbered by wetlands, intermittent streams, and buffers.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A JD must be done prior to preliminary plat review by the Planning Commission. Fifteen percent (15%) common open space is required; 34.22% is proposed. The C.O.S. sensitive areas thresholds are included on the plat. Twenty percent (20%) landscaping of the development envelope is required. Sidewalks are recommended, consistent with Section 1.

Street trees 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.

The FSD was approved on 7/18/05. The Natural Heritage letter indicated that sensitive species were known to occur within the vicinity of the project site, or downstream within the project's drainage area. The Planning Commission conditioned Concept approval on a species survey being completed prior to the TAC's review of the Preliminary Plat.

In addition, the PFCP (not yet submitted) 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. 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 Plata.

All road names have been approved. 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. All lots owners must become members of the Montgomery Oaks Homeowners' Association for maintenance of common open space, and \$50 per recorded lot must be placed in escrow for improvements prior to recordation.

The Final and Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. This project is located in the W-1 and S-1 service areas. The Final and Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale. Documentation of sewer capacity must be received prior to Final Plat review. Documentation of water allocation by the Town of North East must be received prior to Final Plat review.

The TIS revealed that all affected intersections would operate at acceptable levels of service (LOS) (peak-hour LOS D or higher in the Development District), but additional study was recommended by SHA. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Cecil County Technical Advisory Committee May 3, 2006 Meeting Minutes

Present: Di Giacomo (CCP&Z), Woodhull (CCDPW), Moore (DEH), Kyte (FA), Latham (MDE), Markwardt (CCBoE), Graham (Citizen's Representative), King (SHA)

Absent: Cwiek (USACoE), Reynolds (Delmarva Power), Brown (SCS)

Mr. Di Giacomo called the meeting to order at 9:00 a.m.

1. Liberty Overlook, Preliminary Plat, Liberty Grove Road, Northern Bay Land Planning, Seventh Election District

Ferron Pyles, Northern Bay, appeared to present the project. This is the first time TAC has seen this preliminary plat which closely resembles the concept plat that was approved 8/15/2005. Since this plat was submitted, there have been additional perk tests on the property and based on those there will be some reconfiguration before planning commission.

Daniel Graham, Citizens Representative, said he had received a letter from Debra Marvel in opposition to the project. See attached.

Bob Markwardt, CCBoE, said bus service would be provided at the intersection of Sinclear Court and Liberty Grove assuming that that name is approved. He asked for size, price and when construction would begin. Developer responded 1500 – 2000 sq ft., \$300,000, and within 2 years of approval.

Mark Woodhull, CCDPW, read the comments of the department.

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. Please address for the record the connectivity potential with Holland Acres. The Department has received a Road Code Variance request as well as an entrance geometry submittal, which are still under review. Section 3.07.15 of the Road Code requires that Liberty Grove Road be upgraded to a Minor Collector Road standard for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. The design engineer shall address capacity and location of the existing Liberty Grove Road cross culvert in the area of the proposed entrance. 25-year peak storm event capacity is required for this cross culvert, with no overtopping of Liberty Grove Road. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. New intersection/entrance signage will be required along Liberty Grove Road.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Owner's expense. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any

driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Please elaborate on the conveyance of SWM pond discharge once it has crossed Liberty Grove Road. Developer responded that there is a large channel that runs down toward a tributary of Basin Run. Any stormwater management facilities discharging to the Basin Run watershed shall be designed to meet Stream class III and IV standards in the 2000 Maryland Stormwater Design Manual (specifically addresses thermal impacts). A PWA is required for the internal streets & storm drains. An I&M Agreement is required for all private SWM facilities.

James Kyte, (Fire Chief Representative), asked if there would be sidewalks in the project. Developer said no and the streets will be standard. Kyte asked if there would be a fire suppression tank installed and that Wayne Tome from Port Deposit would like to see a 30,000 gallon tank installed.

Cynthia Latham, MDE, said the water appropriation permits for 2006 were issued February 2006. She asked if this was for Final plat or just Preliminary.

Joe Moore, CC Department of Health, read their comments. See attached.

For the record, the US Army Corp of Engineers and Delmarva Power had no comments and the applicant has been provided a copy of the reports from the Soil Conservation Service.

Tony Di Giacomo read the comments of CC P&Z.

This project was found to be in compliance with §3.8 of the Subdivision Regulations, regarding public notification signs. With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, invoking §2.4.1 and proposing bonus density with 16 lots on 35.93 acres, was approved on 8/15/05 at a density of 1/2.25, conditioned on:

Per Note # 2, the boundary line survey has been completed.

This Preliminary Plat is generally consistent with the approved Concept Plat and maintains bonus density eligibility.

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.¹

Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland and stream impacts prior to recordation. A JD must be done prior to preliminary plat review by the Planning Commission; what is its status? Developer responded that during the review for the FSD, it was determined there are no non-tidal wetlands on site. Di Giacomo told developer a JD must be provided for every project, regardless of the presence of wetlands.

No landscaping of the development envelope is required in the NAR zone. Sidewalks are not recommended.

Bufferyard Standard C is required, outside the right-of-way, on the road frontages along Liberty Grove Road – as depicted.

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 habitats of rare, threatened, and endangered species must be avoided. The FSD was approved in the absence of a Natural Heritage letter since DNR exceeded their allotted response time.

The Natural Heritage letter indicted that the Large seeded forget-me-not and the Trailing Stitchwort are known to occur in the vicinity of the site. Therefore, a sensitive species survey is required.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Forest Conservation Regulations).

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 Regs.).

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, Sinclear Court, has been approved.

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

¹ The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

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

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

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

'05 School information:	Elementary		Middle	High School	
	Conowingo	or Rising Sun		Perryville	Perryville
FTE	483	793	705	1031	
Capacity	475	671	753	1038	
% Utilization	102%	118%	94%	99%	

2. Roark, J. Douglas and Elaine P., Lands of, Concept Plat, Weaver Meadows Road, Will Whiteman Land Surveying, Inc., Eighth Election District

Applicant appeared and gave an overview of the project. No name has been formulated for the subdivision.

Daniel Graham, Citizen Representative, relayed concerns from neighbors about storm water run off.

Bob Markwardt, CCBoE, said bus service would be provided at the entrance to Weaver Meadows Road, once the name has been approved by the 911 Center. Will there be any walking paths? Applicant said there could be if needed. Markwardt said they look to consolidate pick up points. Markwardt asked for the home size, price and projected start date of the project. Applicant responded approximately 3000 sq. ft., approximately \$350,000 and start within 1.5 to 2 years of approval.

Mark Woodhull, CC Department of Public Works, said a SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Any run off issues need to be addressed not only in the SWM plan, but also in the lot drainage plan. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Indicate that the fee simple dedication applies to the entire road frontage of this property. The Department has made a site visit to determine in general if sight distance issues exist. This is not to be misconstrued as approval of final sight distance requirements for this project. Stopping sight distance measurements must still be submitted for review. Lot 8 must be denied access to Weaver Meadows Road. The proposed entrance must be aligned with or be located a minimum of 125' from the proposed centerline for the entrance to the Clover Meadows subdivision per Section 7.2.12.E. 5. Coordinate with Michael McAllister on this. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 7.4 Requirements for Utility relocations.
- 7.5 Requirements for Public Works Agreements.
- 7.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 7.7 Requirements for County Roads.
- 7.8 Requirements for Driveways.
- 7.9 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Weaver Meadows Road must be upgraded to a Minor Road Standard for a distance of 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the county streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.

The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.

8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

James Kyte, FC Representative, asked for the size of the blacktop streets. Applicant stated it has not been decided yet. Kyte said they will need a full 100' to turn fire equipment around. Kyte said they need water supply for fire suppression.

Cynthia Latham, MDE, said it is only nine lots and they will not need a water appropriation.

Joe Moore read comments from the CC Health Department. See attached.

The Army Corp of Engineers had no comments. Delmarva Power said they need to show at least one pole on each side of the road entrance. Applicant was provided a copy of the report from Soil Conservation Service.

Tony Di Giacomo read the comments of P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 5 ac. This Concept Plat proposes 9 lots on 59.725 acres, for a proposed density of 1/636. Bonus density is not sought.

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

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

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

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.³

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

The 1.658 acre portion of property shown as "space reserved for stormwater management" needs to be re-labeled as common open space.

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

Bufferyard Standard C is not required along the Weaver's Meadow Road frontages because Weaver's Meadow Road is functionally classified as a local road.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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 FSD must be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations).

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

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), Cecil County Forest Conservation Regulations).

³ 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 or the large lot, a **JD** need not be done.

A Landscape Agreement must be executed prior to recordation.

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

The road name, Roark Drive, has been approved.

Lot 8 will need to be denied access to Weaver Meadow Road. If Lot 9 is proposing to use the existing lane across P. 730, then a joint access easement needs to be established on P. 730. If any upgrades or alterations are made to the existing lane's crossing of the non-tidal wetlands, then permits will be required from the USACE and MDE.

The owners of P.49 will need to sign the record plat as an add-on is being proposed to affect their property.

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 title block needs to be revised so that "eight" election district reads "eighth" election district.

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

'05 School information:	Elementary	Middle	High School
	Conowingo	Rising Sun	Rising Sun
FTE	483	702	1153
Capacity	475	785	1081
% Utilization	102%	89%	107%

3. The Tradition, Lots 5-57, Preliminary Plat, MD Routes 310 & 342, Preliminary Plat, McCrone, Inc., Second Election District

Don Sutton and John Gonzales, McCrone, Inc., appeared and presented an overview of the project. Reasons for denial by the Planning Commission in March 2006, have been addressed and the plat is being resubmitted for TAC review.

Daniel Graham, Citizen Representative received concerns from citizens in opposition to the project. See attached.

Bob Markwardt, CCBoE, said bus service would be provided at the intersection of Heritage Drive and Cyotes Corner and Eagle Terrace Drive and Cyotes Corner, assuming those names are approved by the 911 Center.

Mark Woodhull, CC Department of Public Works, said 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 divided entrance lane widths must be no less than 14' in width. If the islands are to be curbed, use 16' minimum lane widths along the island areas. The Cul-de-sac streets can be minor roads. The impact of the additional traffic generated by the proposed development, as identified in the revised TIS, requires that Cayots Corner Spur be upgraded to a Minor Collector Road standard. The applicant is advised that he is responsible for this offsite road upgrade. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The applicant's engineer should prepare an improvements plan addressing, at a minimum, what ROW exists and how Cayots Corner Spur can be made to meet the Minor Collector Road standard. A Road Code Variance may in all likelihood be required to address how these offsite road improvements can be accomplished. The applicant is reminded that any Road Code Variance must be submitted prior to going forward to Planning commission for preliminary plat review. Sutton asked if they need a road code variance that it be placed as a condition for final plat. Woodhull strongly recommended they attempt to work on the right of way now so they will know if they need the variance. There was additional discussion regarding the right of way and road code variance requirement. The cul-de-sac pavement radii as shown are not approvable for Legend Court & Eagle Terrace and must be shown consistent with the Cecil County standard detail R-14, which requires a 60' outer pavement edge radius within the cul-de-sac. Lane dividers and signage for the mini-traffic circles must be shown on the street construction drawings.

Where are the public drainage easements and drainage structures needed to handle the Heritage Drive cul-de-sac drainage? They must be shown on the preliminary plat presented to the Planning Commission or the Department will not recommend approval. Large fill heights along Eagle Terrace require 4:1 fill slopes to avoid the need for non-traversable slope barriers. The internal street grade leaving Maryland Route 310 may not exceed 5% within the limits of the intersection right-of-way. A Maryland State Highway Administration access permit is required. If the proposed use of the lot 57 and/or common open space non-forested areas is agriculture, the applicant is reminded that per the 2000 Maryland Stormwater Design Manual, these onsite areas are part to the subdivision and must be modeled in their proposed conditions for determination of site Overbank Flood Protection Volume requirements. For areas not intended to be converted to meadow, this may translate to stormwater management requirements for active farming operations proposed on lot 57 or the common open space. The consulting engineer should thoroughly discuss this item with the applicant and the Department prior to preparing any site stormwater management designs.

1. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

9.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note

- 9.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 9.3 Requirements for Utility relocations
- 9.4 Requirements for Public Works Agreements
- 9.5 Requirements for Stormwater Inspection and Maintenance Agreements
- 9.6 Requirements for County Roads.
- 9.7 Requirements for Driveways.
- 9.8 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the private mini road, county road & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving MD Rte 310 may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways accessing a County Road must be paved at least to the right of way. If the mini-road is paved, this requirement will be expanded to the mini=road right-of-way. The driveway paving must be complete for all lots at the time when the surface course for the internal county roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the county roadway must be paved to the crest. If the development is phased these

requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

8. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving MD Rte 310 may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

James Kyte, Fire Chief Representative, asked if there were sidewalks. Applicant responded there are not. There will need to be markings at each street temporarily for emergency access. In previous meetings Kyte said he brought up the need for a fire suppression tank and asked for the status of that request. Sutton said they have considered it and a trying to see the best placement for it in the design. Kyte said probably it should be at lot 32 as it would reach more of the area.

Cynthia Latham, MDE, water appropriation and use permit applications were received by MDE in December 2005.

Butch King, SHA, provided comments. See attached.

Joe Moore read the comments of CC Health Department. See attached.

The U.S. Army Corp of Engineers had no comment. Delmarva Power said at least one pole must be shown on each side of there road entrances and applicant was provided a copy of the report from Soils Conservation.

Tony Di Giacomo read the comments of P&Z. This project was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac.

The Concept Plat, proposing 53 lots on 427.3 acres, for a proposed bonus density of 1/8.06, was approved on 10/17/05, conditioned on:

- 1) A revised FSD being approved prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;

- 3) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 4) The Bufferyard C requirements being waived in favor of a modified Bufferyard A as depicted along the Cayots Corner Road frontage;
- 5) Bufferyard C being required along the St. Augustine Road frontages;
- 6) A TIS being completed prior to the TAC's review of the Preliminary Plat; and
- 7) 100' BRLs being shown from the Cayots Corner and St. Augustine Road frontages.

This Preliminary Plat is generally consistent with the approved Concept Plat.

Documentation of recordation of MALPF district termination for Parcels 5 and 27 has been received.

Has the boundary line survey been completed? Inaudible response.

No steep slopes are indicated.

Well locations were not shown on the original submittal, so a revised submittal was allowed, in consultation with the Health Department. The applicant is reminded that, pursuant to §4.1.22 (a), OPZ can reject and return incomplete Preliminary Plats. Any Preliminary Plat submitted for review by the Planning Commission shall contain all required details, and no revised submittals will be allowed.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Documentation of the JD was received on 3/3/06.

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

15% common open space is required; 25.13% is proposed.

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 original FSD was approved on 6/16/05, but because of the add-ons, a revised FSD was approved on 2/3/06.

The PFCP was approved on 3/8/06.

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), Cecil County 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.

All road names have been approved, except Hawks Landing Drive.

A Traffic Impact Study (TIS) was required. It and subsequent revisions are currently under review.

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.

A Mini-road Maintenance Association for maintenance of the mini road(s) must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

The contiguous operating farms notice has be provided on the plat.

Proposed Lots 2, 3, & 4 must be approved via the Minor Subdivision process prior to this proposal's Final Plat review by the Planning Commission.

100' BRLs must be shown from St. Augustine Road.

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

'05 School information:	Elementary	Middle	High School
	Ches. City	Bo Manor	Bo Manor
FTE	283	535	691
Capacity	308	540	689
% Utilization	92%	99%	100%

4. Willis, Jr., David S., et al, Lots 5-15, Preliminary Plat, Blue Ball Road, McCrone, Inc., Fourth and Ninth Election Districts

Applicant presented an overview of the project.

Daniel Graham, Citizen Representative, asked about the new access point on this plat and stated his concern is site distance. Applicant explained where the access point is. Mark Woodhull said the access point was on the Concept Plat, however, site distances have not been checked yet.

Bob Markwardt, CCBoE, bus service would be provided at Old Creek Drive and Blueball Road. They do not intend to come into the development due to the short distance. You may wish to look at common open space area to create some type of bus shelter or some area that will get students off the roadway. He asked for the home size, price and projected start date. Applicant responded, 3500 sq ft., inaudible response to price, and anticipate starting in 1.5 years.

Mark Woodhull, CC Department of Public Works, said 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. 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. Old Creek road beyond the cul-de-sac at Lot 10 is a private mini road and the notation on the plat must be changed to reflect this. No Road Code Variances has been sought for this development therefore, the Department will expect to see that the road & storm drain design complies with the Road Code completely.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 6.1 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 6.2 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 6.3 Requirements for Utility relocations.
- 6.4 Requirements for Public Works Agreements
- 6.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 6.6 Requirements for County Roads.
- 6.7 Requirements for Driveways.
- 6.8 Requirements for Stopping Sight Distance measurements.
- 6.9 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
2. Section 3.07.15 of the Road Code directs that Wheatley Road must be upgraded to a Minor Collector Road Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the County street & storm drainage and a PWA is required for the private mini road.

5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The internal street grade leaving Wheatley Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. Applicant must provide stopping sight distance measurements for the Wheatley Road access location to DPW prior to preliminary plat submittal. Mark the proposed access locations in the field by staking or flagging.
9. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving MD Rte 310 may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

James Kyte, Fire Chief Representative, stated that the creek is not sufficient for fire suppression and a 30,000 gallon tank will be needed at approximately the entrance of the common open space. The cul-de-sac needs to be increased in size to accommodate the fire equipment.

Cynthia Latham, MDE, ultimately there will be 15 lots, (remainder of comment inaudible).

Joe Moore read the comments of CC Health Department. See attached.

The U.S. Army Corp of Engineers had no comment. Delmarva Power said at least one pole is necessary on each side of the road entrance and applicant was provided a copy of the report from Soils Conservation.

Tony Di Giacomo read the comments of P&Z. Upon initial inspection, this project was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat (16 lots on 161.1 acres, for a proposed density of 1/10.068),⁴ 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.

A Preliminary Plat for 16 lots was approved on 5/20/04.

Subsequently, a Preliminary Plat for proposed Lots 1-4 was approved on 7/19/04, conditioned on:

- 1) Health department requirements being met;
- 2) DPW requirements being met; and
- 3) The site location in the vicinity sketch being accurately delineated on the Final Plat.

The Final Plat for proposed Lots 1-4 was approved on 5/16/05, and the Record Plat was signed on 12/21/05.

The Concept Plat was granted a one year extension on 4/17/06.⁵

This Preliminary Plat, proposing 11 lots and 30.29 acres of common open space on 149.62 acres for a proposed density of 1/13.6, is consistent with the approved Concept Plat density of 1/10.068 with only 25.8 acres of common open space on 161.1 total acres.

Has a boundary line survey been completed? Sutton responded it has.

No steep slopes are depicted, so why do sheet 1 graphics show shadings for areas >15% and >25%? Sutton said they will take it off. 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.⁶

Stream and wetland buffers have been shown. Floodplain boundaries have been depicted.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. What is the status of the JD? It must be completed prior to Preliminary Plat review by the Planning Commission.

⁴ It was brought to the County's attention that a private deed restriction limits the subdivision of this property to 15 lots until 5/29/13. The proposal exceeded that limitation by one lot; however, the County does not enforce private deed restrictions. This Preliminary Plat is consistent with that private deed restriction.

⁵ **§4.0.09 of the Cecil County Subdivision Regulations provides that Concept Plats shall be valid for two years from date of approval. Preliminary approval extends Concept Plat approval for one year from the date of Preliminary approval. Therefore, without the extension, the 5/20/04 Concept Plat approval would have expired on 7/19/06.**

⁶ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

How will the owners of Lots 1, 2, and proposed Lot 15 access the common open space?
Applicant responded that they will walk there.

No landscaping of the development envelope is required and no sidewalks are recommended 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 5, 6 & 15 to buffer adjacent agricultural uses. For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

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

The FSD was approved on 5/14/04. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County 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 road name Old Creek Drive has been approved.

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

Consideration should be given to the installation of a dry hydrant along the Little Northeast Creek. 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.

For the maintenance of that portion of Old Creek Drive now proposed as a private mini-road, 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 is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

'05 School information:	Elementary	Middle	High School
	Calvert	Rising Sun	Rising Sun
FTE	366	702	1153
Capacity	283	785	1081
% Utilization	129%	89%	107%

5. Saddlebrook, Lots, 1, 2 & 4-10, Preliminary Plat, Nottingham Road, McCrone, Inc., Fifth Election District

Applicant appeared and presented an overview of the project which is Lots 1, 2 and 4-10. It was mislabeled on the agenda. This is a continuation of the Concept Plat. A mini-road will be completed and will be called Deaton Way.

Daniel Graham, Citizen Representative, had no comments.

Bob Markwardt, CCBoE, asked if London Way currently exists as a county road. Applicant said it does not. He asked if approved when would London Way be under construction from a phasing standpoint. At some point in time there will be an issue with the railroad bridge over Nottingham Road that is currently restricted to one lane. Applicant said the time frame would be 1.5 years or so. Typically bus service would be at the intersection of London Lane and Nottingham Road. What size homes and what price of homes are anticipated? 2800 sq ft, 4 bedrooms and mid \$300,000s.

Mark Woodhull, CC Department of Public Works said 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 No Road Code Variances have been sought therefore is it your intention to design the entrance and internal street to County Road Code standards without variation? Applicant stated this is their intent. Woodhull said they had asked before about the possibility of right-of-way. Has consideration been given to right-of-way interconnection proposed to lands of Clark or to lands of Wink and London Lane? Applicant said there has been some discussion and they are trying to work that out. The internal street grade leaving Nottingham Road may not exceed 5% within the limits of the intersection right-of-way. Show any existing Nottingham Road cross culverts along the site's Nottingham Road frontage on the preliminary plat and include relevant drainage easements.

Why are Lots One and Two not denied access to Nottingham Road, with access by way of London Lane? Deny access to Nottingham Road for lot 2 frontage, except the existing driveway location,

and along the first 75' of the London Lane frontage. Is closed section or open section street proposed? Lot 1 will be sold to the son.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 6.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 6.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 6.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 6.4 Requirements for Utility relocations.
- 6.5 Requirements for Public Works Agreements.
- 6.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 6.7 Requirements for County Roads.
- 6.8 Requirements for Driveways.
- 6.9 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Nottingham Road must be upgraded to a Minor Collector Road Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the county streets & storm drainage constructions and a Public Works Agreement is required for the Private Mini Road.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.
8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

James Kyte, FC Representative asked if the second cul-de-sac could be enlarged since it is 800 feet back in. Applicant stated there is not a lot of room to enlarge it in that area, but they will look at it in the design. Kyte stated this is in the Elkton fire district. There is supposed to be a dry hydrant that has been blocked off for the fire company, unknown reason. You may need to consider a fire suppression tank for that development since it is in a remote area.

Cynthia Latham, MDE, inaudible.
Butch King, SHA, had no comments.

Joe Moore, read the comments of CC Health Department. See attached.

Tony Di Giacomo read the comments of P&Z. This proposal is in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

Density: The Concept Plat, proposing 10 lots, common open space, and road right-of-way on 21.59 acres, for a proposed density of 1/2.16, was approved on 8/15/05, conditioned on:

- 8) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 9) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat; and
- 10) DPW requirements being met prior to the TAC's review of the Preliminary Plat.

This Preliminary Plat is generally consistent with the approved Concept Plat.

Has the boundary line survey been completed? Applicant said it has been completed. Mechanics Valley Road and Union Church Road still have not been correctly identified in the vicinity map. That correction must be made prior to the Planning Commission's review.

What is the purpose of the septic area in the remaining lands along the proposed London Lane? Applicant responded that this is possibly for the remaining lands area. We may need it for the remaining lands.

No slopes greater than 25% 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.⁷

Stream and wetland buffers 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. Documentation of the completed JD has been received.

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

The common open space requirements for the SR zone have been satisfied. 3.24 acres (15%) are required; 5.21 acres (24.32%) [was 7.01 acres (32.5%)] are proposed.

The common open space sensitive areas thresholds have been included.⁸

20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on one side of the proposed London Lane/Keaton Way.

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

The FSD was approved this on 8/9/05. The Natural Heritage letter needed to be submitted with the PFCP since DNR exceeded their thirty day time allotment.

The PFCP has not been received. It must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

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

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

⁸ 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 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 London Lane and Keaton Way 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.

A Mini-road Maintenance 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 is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

'05 School information:	Elementary	Middle	High School
	Leeds	North East	North East
FTE	400	851	1151
Capacity	374	721	1104
% Utilization	107%	118%	104%

6. Chandlee Mill, Lots 1-8, Concept Plat, Chandlee Road, McCrone, Inc., Ninth Election District.

Applicants appeared and presented an overview of the project. Applicant will be seeking a bufferyard C waiver for lots 1 and 2 due to the fact that the owner plans to keep those in ag use and we are concerned about the site distance locations.

Daniel Graham, Citizen Representative, had no comment.

Bob Markwardt, CCBoE, stated bus transportation would be provided at the entrance of the proposed mini-road and the joint driveway for lots 1 & 2 and Chandlee Road. Markwardt asked for the size and price of the homes and the anticipated start date of construction. Applicant stated they have no current plans and the property may be used only by the owner's family. It will be at least two years before they know anything.

Mark Woodhull, CC Department of Public Works, said a SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The Chandlee Road frontage dedication note must read “Strip of land to be dedicated in fee simple to the Board of County Commissioners of Cecil County” and applies to the entire road frontage of this property. The Department has made a site visit to determine in general if sight distance issues exist. This is not to be misconstrued as approval of final sight distance requirements for this project. Stopping sight distance measurements must still be submitted for review. Lots 3 & 8 must be denied access to Chandlee Road along their entire road frontage. Lots 1 & 2 must share a common driveway access onto Chandlee Road. Lot 1 must be denied access to the remainder of its Chandlee Road frontage.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 7.4 Requirements for Utility relocations.
- 7.5 Requirements for Public Works Agreements.
- 7.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 7.7 Requirements for Private Mini Roads.
- 7.8 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code directs that Chandlee Road must be upgraded to a Minor Road Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the Private Mini Road construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The Private Mini Road must comply with Section 2.13 of the Road Code.
8. Applicant must provide stopping sight distance measurements for the Chandlee Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

James Kyte, Fire Chief Representative, said the mini road is only 12 feet wide and you might consider making it bigger. Since there are only six homes, we will not ask for a fire suppression tank.

Cynthia Latham, MDE, said there are not enough lots to require a water appropriation permit.

Butch King, SHA, had no comment.

Joe Moore, CC Health Department, read their comments. See attached.

There were no comments from the U.S. Army Corp of Engineers, soil reports are provided to applicant from Soil Conservation Service, and Delmarva Power said at least one pole must be on each side of the road entrance and the need an average square footage for the houses. Applicant asked if they are requiring a pole on each side of the entrance. Di Giacomo said the comments were emailed at 8:40 a.m. and there is no representative present. Applicant will need to contact Delmarva for the answers to their questions.

Tony Di Giacomo read the comments of P&Z, Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 5 ac. This Concept Plat⁹ proposes 8 lots on 40.08 acres, for a proposed density of 1/5.01. Bonus density is not sought.

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

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

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.¹¹

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

No common open space is required; 2.36 acres are proposed.

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

Proposed Lots 3 & 8 should be denied access to Chandlee Road.

Lands of Jerry & Joanne King need to be also labeled as Minor Subdivision # 1121.

The Area Table will need to be revised to eliminate the second Lot 2 and to insert Lot 3.

In accordance with §4.0.13.i of the Subdivision Regulations, the pipeline identified on the U.S.G.S. 7.5 minute quad sheets will be shown if it is within 200' of the property.

⁹ Minor subdivision 514 created P. 153 Minor subdivision 695 created P. 155 Minor subdivision 1121 created P. 159 Minor subdivision 1317 created P. 165 Major subdivision "Lands of Kuiken" created P. 20, lots 1&2 Therefore, all minor subdivision potential has been exhausted on this parcel.

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

¹¹ 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 or the large lot, a **JD** need not be done.

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

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 FSD must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations).

The PFCP must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

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

A Landscape Agreement must be executed prior to recordation.

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

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

Access to common open space 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 Maintenance 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 is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

'05 School information: Elementary Middle High School

	Calvert	Rising Sun	Rising Sun
FTE	366	702	1153
Capacity	283	785	1081
% Utilization	129%	89%	107%

7. The Chesapeake Club, Section G, Lots 1-5, Preliminary Plat, MD Route 272, McCrone, Inc., Fifth Election District

Applicants appeared and presented an overview of the project. Michael Pugh said the location of these 5 lots is in the middle of the Chesapeake Club property. Several years back, they had received a preliminary plat approval for these 5 lots, from the Planning Commission, but it has lapsed. One of the reasons we let it lapse was because we have been involved in upgrading and dedicating the roads and water system for the county and the town which has now come to a conclusion. The streets in the Chesapeake Club are now public streets. The water and sewer is public water and sewer and these lots are proposed as fee simple lots and not part of a condo regime. They are not currently located in any recorded regime under the umbrella of the Chesapeake Club, but are stand alone and the final stand alone of undeveloped property in the existing Chesapeake Club itself. The lots will be in fee simple, but there are community aspects to this. Maintenance of the median entrances, open space area and there remains a functioning road association within the Chesapeake Club that deals with all matters not related to public water, sewer and road maintenance. We propose that these 5 lots become members of that road association.

Daniel Graham, Citizen Representative, had no comment.

Bob Markwardt, CCBoE, had no comment.

Mark Woodhull, CC Department of Public Works, said it is the Department’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. All easements for the water lines must be reflected on the final plat. A SWM 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 following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 4.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 4.3 Requirements for Utility relocations.
- 4.4 Requirements for Public Works Agreements.
- 4.5 Requirements for Stormwater Inspection and Maintenance Agreements

- 4.6 Requirements for Driveways.
- 4.7 Requirements for Stopping Sight Distance
- 4.8 Requirements for Final Plat, Sanitary Sewer Allocation
- 4.9 Requirements for Sewer Service Cleanouts - Location

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the sanitary sewer construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest.
7. Applicant must provide stopping sight distance measurements for the driveway access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
8. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

James Kyte, Fire Chief Representative, received a fax from the Chief of Northeast and he says everything looks okay.

Cynthia Latham, MDE, said since there is public water no water appropriation permit is needed.

Joe Moore read the comments of CC Health Department. See Attached.

Delmarva Power had no comments. Applicant has been provided copy of Soil Conservation Service reports.

Tony Di Giacomo read comments of P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning = 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.

Revised Concept Plats were approved 12/20/93, 6/20/94 (with no conditions), 3/16/98, and 9/16/02. These revised Concept Plats have all adhered to the originally-approved density of 3.5/1, and they have reflected only slight changes in design, layout, and structure types.

The most recent revised Concept Plat was approved on 9/16/02. Record Plats were most recently signed on 12/8/05; therefore, an extension of the Concept Plat's validity would not become an issue until 12/8/07 – unless other recordations occur in the interim.

The applicant is again reminded that at such time as any revised Concept Plat or Concept Plat extension is reviewed, a new TIS will be required.

The Record Plat signed on 12/8/05 shows this area as part of C-1. How does C-1 relate to Section G? Mike Burcham said C-1 is part of the original subdivision of the 411 acres that created the Golf Course parcel and the two development parcels. Parcel 1-C is just the original parcel and G is a section overlay.

A similar condominium Preliminary Plat/Site Plan was reviewed by the TAC on 5/2/01, and then withdrawn from the 5/21/01 Planning Commission agenda.

Subsequently, a 5-unit Lotominium Preliminary Plat was reviewed by the TAC on 3/6/02, and approved by the Planning Commission on 3/18/02. Per §4.1.17, that approval's validity expired on 3/18/04.

This Preliminary Plat, which is neither a condominium¹² nor a Lotominium¹³ proposal, is generally consistent with the approved revised Concept Plat.¹⁴ However, as there are condominiums recorded on Ridge Run Road, is this proposal consistent with the Chesapeake Club's condominium regime?

Unless and until Ridge Run Road becomes a County road, rather than a private road, a Variance will be required to create lots without public road frontage. Any Variance will be required prior to Final Plat review by the Planning Commission.

If approved and recorded, the development proposed in this Preliminary Plat would complete the development along Ridge Road – which has heretofore consisted of condominiums.

A significant portion of proposed lots 4 & 5 are shaded, which, in the absence of any explanation, is assumed to slopes > 25%. The shading must be explained on any plat submitted for review by the Planning Commission.

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.

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) was originally approved on 6/17/94 and granted a five year extension on 9/22/00 – which has expired. A revised FSD must be approved prior to the Planning Commission's review of the Preliminary Plat.

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

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.

¹² An approval process was established for the condominiums of Chesapeake Club in March 1991. This process was predicated upon the approved Concept Plat, and then started with a Preliminary Plat/Site Plan, which was approved at that same time: March 1991. The approved Preliminary Plat/Site Plan must very specific, with actual construction drawings. From that approved site plan, building permits are then issued. Next, the units are built, and then, the plats come back to the Planning Commission for approval, "as built."

¹³ **The condominium review and approval process does not apply to lotominiums.**

¹⁴ The previously approved Concept Plat called for 4 condominium units, numbered 1-4, on the east side of Ridge Run Road., which has been reduced to 2 lots, numbers 4 & 5, and for 6 condominium units, numbers 44-49, on the west side of Ridge Run Road, which has been revised down to 3 lots, numbers 1,2 & 3.

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

Are the owners of these lots proposed to be members of a Condominium Association or a Homeowners' Association, and would it be one that is already established?

If an HOA, then a Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

If a condo association, then membership for the owners of these lots must be finalized 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/homes offered for sale.

On proposed Lot 4, an existing parking area is to be removed. Does that cause the balance of the development on Ridge Run Road to fall below the required number of parking spaces? Mike Burcham said it does not and it is just a gravel parking area that was used for maintenance of this parcel. It has nothing to do with the required parking spaces along Ridge Run Road.

Verification of water allocation will be required from the Town of North East prior to Final Plat review by the Planning Commission.

Verification of sewer capacity will be required from the Department of Public Works prior to Final Plat review by the Planning Commission.

A golf cart path appears to be encroaching on proposed Lot 5. How will that be corrected? Mike Pugh said it will either be removed or an easement will be created prior to record plat.

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

'05 School information:	Elementary North East	Middle North East	High School North East
FTE	487	851	1151
Capacity	510	721	1104
% Utilization	95%	118%	104%

8. Stony Run Apartments, Concept Plat, US Route 40, McCrone, Inc., Fifth Election District

Applicant appeared and provided an overview of the project. Mike Burcham, McCrone, said this plan was recently disapproved by the Planning Commission and they are here with a revised layout that addresses some of the issues in regards to the Planning Commission's concerns regarding this project. The main concern came from the DPW in relationship with Rhudy Drive. It was originally shown as a proposed county roadway accessing this project from U.S. Route 40. DPW wanted that section of the roadway to terminate in a cul-de-sac for maintenance vehicles to turn around and be able to exit back out of Rudy Drive through Route 40. At this time we are proposing Rhudy Drive as a private roadway and intend to build to county standards so it will have the potential to be dedicated in the future. There are still 72 proposed apartments and a community center. The property boundary has changed from what was previously reviewed for this concept plan. As we moved forward after the last Planning Commission meeting, another area of non-tidal wetlands was identified on the southern most boundary so our client has renegotiated with the property owner to extend the limits of this parcel to the west. Rudy Drive has moved approximately 160 feet to the west of its previous location. The southern boundary line has been adjusted slightly.

Daniel Graham, Citizen Representative had no comments.

Bob Markwardt, CCBoE, said he noticed the proposed bus stop for any students living in that area and he has no further comment.

Mark Woodhull, CC Department of Public Works, asked Di Giacomo if since all streets are proposed as private, will the subdivision regulations and zoning ordinance support that, that Rhudy Drive be considered private? Di Giacomo said he thinks yes, but is not sure he understands the question. Di Giacomo said so long as these are apartment units, there is not a problem. Issues may be encountered with other developments if it is further subdivided, but as far as this is concerned it can proceed as private. Woodhull further stated his understanding is that if the remaining lands of Rhudy are to be developed, applicant will come forward and ask that this be made into a county road. Burcham said it will and that it will be built according to all the county regulations. Woodhull continued, a SWM plan, Road & Storm Drain plan, Sanitary Sewer System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. It is the Department's understanding that the Town of North East will own the water distribution system in this development. Have you requested a water allocation from the Town of North East? Applicant has not yet requested water allocation. 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. All easements for the water lines must be reflected on the final plat. Based upon the current permitted WWTP capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval, concept through final, no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at their own risk. Any permits required for disturbance of a regulated wetland or wetland buffer shall be obtained by the applicant prior to Departmental approval of a plat for record. Rhudy Drive must be extended

to the right-of-way limits and terminated in a temporary tee turn around. A SHA access permit is required.

At TAC the Department recommended the engineer and applicant revise the layout for two access locations along Rhudy Drive, tangent to the loop road alignment, with the west access road intersecting at right angle stop conditions with Stony Run Circle. No loop with a second access connection is shown for the site. The purpose of this recommendation was to provide two access locations for emergency response and accommodate utility and fire service vehicle turning and access movements into and out of the site. If a single entrance is permitted, Rhudy Drive must be terminated in a cul-de-sac, south of the Stony Run Circle entrance, in order to provide for large emergency response design vehicle ingress and egress along the county street. Rhudy Drive must be designed and built to meet the County Minor Collector road standard R-7 at a minimum, which, in this case, will include a curbed street with 32' wide pavement minimum. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Show the sidewalk layout on the preliminary plat. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Stormdrainage easements must be separated from private stormwater management and access easements. Show the public sewer easements, existing and proposed, on the preliminary and final plats.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 12.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 12.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 12.4 Requirements for Utility relocations.
- 12.5 Requirements for Public Works Agreements.
- 12.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 12.7 Requirements for County Roads.
- 12.8 Requirements for Driveways.
- 12.9 Requirements for Final Plat - Public Water and Sewer Allocation.
- 12.10 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or

Reforestation will require a consistency review, of the SWM approval, with CCDPW.”

- b. Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
 - c. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 3. Section 3.07.15 of the Road Code requires that Theodore Road be upgraded to a Collector Road, Cecil County Road Code Standard R-7 for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
 4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
 5. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
 6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Pulaski Highway may not exceed 5% within the limits of the intersection right-of-way.
 8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
 9. Developer must request and obtain a public sewer allocation from the Department of Public Works and a public water allocation from the Town of North East before submitting a final plat to the Cecil County Planning Commission for approval.
 10. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

James Kyte, Fire Chief Representative, said he noticed these are 12 unit sections and questioned if there would be fire walls to the ceiling between each unit. It is a strong suggestion that they do this. Kyte asked what size water line would be coming into the loop.

Applicant said it is a proposed 8 inch water main around and the one feeding it is 8 inch.. Kyte suggested a feed from the stub on Rhudy Drive to the other side of the loop. The Northeast Fire Chief said they would like to have an additional fire hydrant between the buildings.

Cynthia Latham, MDE, said public water is available and no permit is needed.

Butch King, SHA, discussed previous conversations with applicant.

Joe Moore read the comments of CC Health Department. See attached.

Delmarva Power had no comments. Applicant has been provided a copy of the reports from Soil Conservation Service.

Tony Di Giacomo read comments of P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RM

Density: The RM zone permits a maximum apartment density of 16 du/ 1 ac. This Concept Plat proposes 72 apartment units on 10.388 acres, for a proposed density of 6.93/1.

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

According to the parcel configurations shown on tax map 31, this project includes p/o156. Therefore, note 1 should be revised to include p/o 156 along with P. 856 & P. 626.

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

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

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'.

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

A perennial stream non-disturbance buffer exemption is being requested under the provisions of §174.1.b (3) of the Zoning Ordinance for the sanitary sewer and stormwater management outfall.

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.¹⁶

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

Open space equal to 20% of the gross site area is required; 69.5% 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. The open space sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

25% landscaping of the development envelope is required in the RM zone.

Sidewalks are recommended.

Note #22 misspelled the word "information".

Buildings are proposed to be 30' high. Therefore, all buildings must be setback a minimum of 30' from all property lines per §29.4.d. This requirement has been met.

The separation distance between the buildings on the southerly side of the property must be provided to verify 30' distance.

Apartment buildings shall be set back at least 20' from all parking areas and internal roads (§29.4.h). This has been complied with.

The maximum length of an apartment building is 300 feet (§29.4.j). This has been complied with.

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

Street trees will need to be incorporated into the Landscape Plan along both sides of the proposed Stony Run Circle. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. No street trees shall be planted within 20 feet of sewer laterals and cleanouts.

¹⁶ 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 or the large lot, a **JD** need not be done.

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

An FSD for 9.8 acres was approved on 2/17/06, with the condition that the Natural Heritage letter be submitted prior to PFCP approval. A new FSD for this expanded 10.388- acre site must be approved prior to the Planning Commission's review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The road names Rhudy Drive and Stony Run Circle have been approved. The roads in developments designed and used exclusively for rental occupancy under single ownership may be retained by the owner. Are these proposed to be private or public?

The number of parking spaces proposed exceeds the minimum required by 15 spaces.

A Traffic Impact Study (TIS) and a permit from the SHA for the proposed Rhudy Drive's access onto U.S. Route 40 (Pulaski Hwy.) will be required.

§29.5.a (2) stipulates: "A minimum 25 foot bufferyard meeting the C standard in Appendix B shall be provided around the perimeter of the development tract. No parking areas, roadways, or accessory structures shall be permitted in the 25 foot planted buffer."

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

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

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

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

Fire hydrant locations must be selected in consultation with the North East Fire Company and DPW.

Improvements intended for the tot lot, the picnic area and the bus stop must be included in the Public Works Agreement.

The uses intended for inclusion in the Community Center need to be detailed for the Planning Commission.

A detailed proposal, including covenants, agreements, and other specific documents showing ownership and method of assuring perpetual maintenance to be applied to those areas of open space and recreation must be provided.

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

'05 School information:	Elementary	Middle	High School
	North East	Perryville	Perryville
FTE	487	705	1031
Capacity	510	753	1038
% Utilization	95%	94%	99%

9. The Estates at Slicer’s Mill, Concept Plat, Slicer’s Mill Road, American Engineering & Surveying, Inc., Sixth Election District

Tim Granger, American Engineering, appeared and presented an overview of the project. It is a 19 lot major subdivision on Slicer’s Mill Road. They are proposing bonus density with 74% open space. Common open space would be 43%. We will be requesting a variance for the buffer yard for Slicer’s Mill Lane to minimize disturbance as much as possible.

Daniel Graham, Citizen Representative, had questions about the existing house and boundaries.

Bob Markwardt, CCBoE, said currently they only go down Slicer’s Mill as far as the driveway. We back in and turn around at that point and don’t travel any further due to the narrowness of the road, lack of guard rails and some other issues. If I am reading this correctly, the grade is a 10% grade going up toward lots 16 and 18. That would preclude us from coming into the development so we would still want to turn around and back into the driveway. Markwardt asked for the size and price of the homes and projected start date. Applicant stated about 2500 square feet and price range to be determined and within 30 days of final record plat.

Mark Woodhull, CC Department of Public Works, said a SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. How do you plan on addressing the requirements of Road Code Section 3.07 as to accel/decal lane requirements. The proposed Slicer's Mill Way grade may not exceed 5% within the intersection ROW. The entrance geometry for Slicer's Mill Way will be challenging and the Department recommends that the applicant's engineer meet with us to discuss proposed solutions prior to beginning the design of the road & storm drain plans for this project. The applicant should begin considering acquiring the necessary easements to provide for a safe ingress & egress to this site.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The Department has made a site visit to determine in general if sight distance issues exist. This is not to be misconstrued as approval of final sight distance requirements for this project. Stopping sight distance measurements must still be submitted for review. The horizontal road geometry at the NW corner of Lot 15 appears abrupt. All curves must comply with the Road Code (Section 3.04).

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 8.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 8.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 8.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 8.4 Requirements for Utility relocations.
- 8.5 Requirements for Public Works Agreements.
- 8.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 8.7 Requirements for County Roads.
- 8.8 Requirements for Driveways.
- 8.9 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."

2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Slicer's Mill Road must be upgraded to a Minor Road Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the county streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.
8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

James Kyte, Fire Chief Representative, said the roadway has winding and tight turns going up there and they have concerns about a 20 foot roadway. Applicant said they will put in whatever is necessary. Kyte stated it needs to be widened in the turns to get the equipment around there. Woodhull echoed the need to have emergency vehicles traverse the curves. Kyte would like applicant to consider putting in a fire suppression tank.

Cynthia Latham, MDE, said a water appropriation permit is required,. Latham had questions about Lot 19 and if it is common open space.

Joe Moore read comments of CC Health Department. See attached. Additionally, place a note on the Preliminary/Final and Record Plat that wells will be drilled prior to issuance of a building permit. This comment was added for Latham, MDE, and this made her feel better.

Delmarva Power said they should show at least one pole on each side of the road entrance and show existing Private Pole Line. They also asked for the proposed square footage of the

homes. Applicant again stated 2500 – 3000 square feet. Applicant was provided a copy of the Soil Conservation Service.

Tony Di Giacomo said upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 5 ac. Bonus density eligibility allows for a density of 1/3. 19 lots are proposed on 57.375 acres, for a bonus density of 1/3.0197.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁷

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.¹⁸

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

Bonus density requires that 60% open space be provided. This project proposes 74% open space with the large lot and common open space (43%). A notation has been included on the plat stating that no further subdivision is to occur on lot 19. The phrase “open space” needs to be removed from lot 19.

¹⁷ The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

¹⁸ 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 or the large lot, a **JD** need not be done.

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

Bufferyard Standard C is required, outside the right-of-way, along the Slicer's Mill Road frontages.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The road names, Slicer's Mill Court and Slicer's Mill Way, have been approved.

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

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

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

The Lands of W.H. Sprout must be identified as Minor Subdivision 1171, and the Lands of David Sprout must be identified as Minor Subdivision 3094.

A portion of Slicer’s Mill Way is located in the perennial stream buffer. Pursuant to § 174.b(2) it must be demonstrated that the disturbance created by the road crossing is minimal.

The Susquehanna Power Company will need to provide verification that they have approved the proposed impacts to the right of way.

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

‘05 School information:	Elementary	Middle	High School
	Rising Sun	Rising Sun	Rising Sun
FTE	793	702	1153
Capacity	671	785	1081
% Utilization	118%	89%	107%

10. Ridgeview, Phase II, Lots 15-17 and Minor Revisions to Phase I, Lots 1-4, 8, 9, 13, & 14, Preliminary Plat, New Bridge Road, Morris & Ritchie Associates, Inc., Eighth Election District

Applicant appeared and provided an overview of the project. James Kiefer and Will Nori said there have been minor revisions,

Daniel Graham, Citizen Representative, had no comments.

Bob Markwardt, CCBoE, said as they talked last time there will be no interior bus service. House size remains the same,.

Mark Woodhull, CC Department of Public Works, said 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 Road Code Variances requested are currently under review. The Department finds insufficient information to support the request for the variance to accel/decad requirements. As for a variance to the separation distance issues with the Funk & Foster properties this Department has previously presented two options that have not been addressed or at least no evidence has been presented that they have. The first option was the seeking of agreement with Foster & Funk to relocate their driveways onto Berkeridge Court (at the applicant’s expense) at which point Foster & Funk would be denied access to New Bridge Road. The second option was to get Foster & Funk to allow the developer to relocate their driveways further away (at the applicant’s expense). The plan suggests the use of curb & gutter; closed section measures 11’ from centerline (R-6). Therefore, this is a question of 26’ vs 22’. Road code R-6 is based on AASHTO guidance and the concern raised by Mr. Kyte of on-street parking adversely impacting access by emergency services vehicles is addressed by the Road Code on Page 34, which requires a sign at the subdivision entrance stating “No

Parking on or along County Roads” and by the fact that with the 40’ minimum setback there is plenty of room for off street parking. The use of combination curb & gutter may provide some emergency bypass if part of the roadway is obstructed. Increased roadway width creates more stormwater impacts and unnecessarily greater maintenance cost for the county.

The proposed intermediate turnaround is not in compliance with Standard Detail R-16 and is not addressed in the variance submitted. New intersection/entrance signage will be required along New Bridge Road. Stormwater Management facility discharge should be located at the base of the steep slopes shown (to minimize erosion potential); and, if available, at a defined point of existing onsite runoff channelization. Any stormwater management facilities discharging to the Octoraro Creek watershed shall be designed to meet Stream class III&IV standards in the 2000 Maryland Stormwater Design Manual (specifically addresses thermal impacts). Who will maintain the existing onsite pond? The breach condition flow rate from the newly selected stormwater management facility location may not cause an immediate breach of the existing downstream pond. A hydraulic analysis of the dam breach condition must be submitted by a Maryland registered professional engineer as part of the stormwater management design submittal review. How do you propose to provide stormwater management for the portion of Berkeridge Court that contributes runoff to New Bridge Road – no facilities are shown. Show private stormwater management and stormwater management outfall easements across common open space on preliminary and final plats.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 7.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
- 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 7.4 Requirements for Utility relocations.
- 7.5 Requirements for Public Works Agreements.
- 7.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 7.7 Requirements for Stopping Sight Distance measurements.
- 7.8 Requirements for County Roads .
- 7.9 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the

absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that New Bridge Road be upgraded to a Minor Collector Road standard for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the streets & storm drainage construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. Applicant must provide stopping sight distance measurements for the New Bridge Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank.
8. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.
9. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

James Kyte, Fire Chief Representative, noted provisions were made for a fire suppression tank to be put in. If the homes are 3000 square feet and above or if the homes are within 100 feet of each other a 30,000 gallon tank will be required. If the homes are under 3000 square feet in size and are at least 100 feet apart, you can get by with a 20,000 gallon tank. Applicant asked where that requirement can be found. Kyte said this is what they are setting up per the Fire Departments Association so we can be sure we have adequate water. Applicant asked who would maintain the tank. Kyte said they will make sure it is full of water and that is their obligation. A homeowner association would be necessary to handle leaks.

Cynthia Latham, MDE, said a ground water appropriation permit is required,.

Joe Moore read the comments of CC Health Department. See attached.

The U.S. Army Corp of Engineers has no comment. Delmarva Power said show one pole on each side of the entrance. Applicant has been provided a copy of the Soils Conservation Service report.

Tony Di Giacomo said this proposal is in compliance with §3.8 regarding public notification signs.

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

Zoning: RR

Density: The Concept Plat,¹⁹ proposing 19 lots on 54.21 acres, for a proposed density of 1/2.86, was approved on 9/19/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) A sensitive species survey being completed prior to the TAC's review of the Preliminary Plat; and
- 4) Emergency response issues being resolved prior to the Planning Commission's review of the Preliminary Plat.

This Phase 1 Preliminary Plat, proposing 14 lots, was approved on 1/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan's details matching those of the Final Plat; and
- 4) The FCP and Landscape Plan being approved prior to Final Plat review.

This Phase 2 Preliminary Plat also seeks to revise proposed Lots 1-4, 8, 9, 13 & 14. It also changes the road name Berkeridge Circle to Olivia's Way. A number of lot lines between lots are too light to read. That must be corrected on any plat submitted for review by the Planning Commission.

The plat 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.²⁰

¹⁹ It consisted of Lots 6 and 18 in the Summit subdivision, which was part of the Connelly Farm's Parcel 2.¹⁹ The net effect of the John M. Connelly Farm density approval was that Parcel 1 had potential for recorded 62 lots, and Parcel 2 had 42. Parcel 1 now has 45 and Parcel 2 has 26, including Lots 6 and 18 in Summit; thus, the remaining potential number of lots is 17 and 16, respectively.

The Concept's 1 additional proposed lot (19) on Parcel 1, and Parcel 2's 2 existing plus 16 new proposed lots were consistent with the Connelly Farm's approved density. If approved, Parcel 1 would have remaining potential for 16 lots; Parcel 2's potential would then be exhausted. A note to that effect will be recommended for the Final and Record Plats. In addition, a note to the effect that there can be no further subdivision of the Parcel 2 portion of proposed Lot 19 will also be recommended for the Final and Record Plats for all phases.

Stream and wetlands buffers 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. Documentation of a completed JD has been received.

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

15% common open space is required; 31.96% is proposed for Phases 1 & 2.

The COS sensitive areas have been calculated and included on the plat.²¹

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontage on New Bridge 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.

The FSD was approved on 9/16/05. A PFCP for proposed Lots 1-14 was approved with conditions on 1/5/06. A PFCP for proposed Lots 15, 16, and 17 has not been submitted. Will the revisions to the Phase 1 Preliminary Plat in any way affect the previous PFCP approval?

The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat, with all details matching up among the separate documents (§6.3.B(1)(a)).

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 new internal road names, Berkeridge Court and Olivia's Way, 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.

²⁰ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

²¹ 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.

Proposed Lot 17's septic area is within the respective delineated well radii of proposed Lots 1 & 2.

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

'05 School information:	Elementary	Middle	High School
	Conowingo	Rising Sun	Rising Sun
FTE	483	702	1153
Capacity	475	785	1081
% Utilization	102%	89%	107%

11. Stewart's Landing (formerly Lands of Stewart), Preliminary Plat, Oldfield Point Road, Morris & Ritchie Associates, Inc., Fifth Election District

Applicants, Mark Moxley, James Keiffer and Robert Beasley, appeared and provided an overview of the project. The concept Plat was previously approved and since that time we have done a boundary survey and a topographic survey of the property and have made some minor revisions based on those and also some percolation tests.

Bob Markwardt, CCBoE, said bus service would be provided at the intersection of Stewart's Landing and Oldfield Point Road. Markwardt asked for the size and price of the homes and anticipated start date. Applicant responded approximately 2500 + square feet, (inaudible), shortly after record plat.

Mark Woodhull, CC Department of Public Works said a SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Stormwater management has been problematic in this area. Therefore, the Department will pay close attention to the downstream conveyance from this site.

No Road Code Variances has been sought for this development therefore, the Department will expect to see that the road & storm drain design complies with the Road Code completely. The Department has made a site visit to determine in general if sight distance issues exist. This is not to be misconstrued as approval of final sight distance requirements for this project. Stopping sight distance measurements must still be submitted for review.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 5.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 5.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 5.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 5.4 Requirements for Utility relocations.
- 5.5 Requirements for Public Works Agreements.
- 5.6 Requirements for Stormwater Inspection and Maintenance Agreements

- 5.7 Requirements for County Roads.
- 5.8 Requirements for Driveways.
- 5.9 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. 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 proposed entrance. The upgrades in this case will address the new turning movements created by this subdivision. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the county streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.
8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to

each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

James Kyte, Fire Chief Representative, said they have hydrants in this development and asked if there are sidewalks in this development. Applicant responded that sidewalks were recommended on at least one size. Kyte asked the width of the streets and applicant responded they are currently 26'. Kyte said no parking signs will be needed on both sides of the street. Applicant asked what DPW will recommend on the width of the streets. Woodhull said 22' with the proper signage and enforcement. Kyte asked if they have parking on the street would they be required to increase the width to 30 feet. Woodhull said there is a provision for an increase of 8 feet for parallel parking on one side of the road. If there is parking on both sides, the increase is 16 feet. Kyte said this is an issue that needs to be addressed County wide that parking is not allowed on these streets. Woodhull said HOAs need to put teeth into their regulations to enforce the issue and if the Fire Departments are having problems with this, they should lobby the Sheriff's Department to enforce the no parking. Kyte said the police agencies will not go out and write parking tickets. Kyte further stated if there is an emergency, it is too late.

Cynthia Latham, MDE, comment (inaudible).

Butch King, SHA, had no comment.

Joe Moore read the comments of CC Health Department. See attached.

There were no comments from U.S. Army Corp of Engineers or Delmarva Power. Applicant has been provided copies of reports from Soil Conservation Service.

Tony Di Giacomo said upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: SR²²

Density: The Concept Plat, proposing 30 lots on 44.22 acres, for a proposed density of 0.68/1, was approved on 9/19/05, conditioned on:

- 5) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat; and
- 6) The JD being completed prior to the Planning Commission's review of the Preliminary Plat.

²² The SR zone permits a maximum base density of 1 du/1 ac. Community facilities allow for a permitted density of 2/1.

A statement indicates that the boundary line survey has been completed. The acreage has changed from 44.22 to 42.52 acres, adjusting the proposed density to 0.71/1.

Slopes greater than 25% were depicted on the Concept Plat. According to the plat, there are no longer any slopes greater than 25%. What accounts for this discrepancy? 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.²³

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. What is the status of the JD?²⁴ Ecoscience is working with the Corp of Engineers.

15% common open space is required; 33.4% (was 38.7%) is proposed. As stated at Concept reviews, the C.O.S. sensitive areas thresholds²⁵ must be calculated for inclusion on the Preliminary Plat. Why have they not been included? Response inaudible.

The SR zone requires 20% landscaping of the development envelope.

Sidewalks are recommended on at least one side of all internal roads and along Oldfield Point Road.

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.

The Forest Stand Delineation (FSD) was approved on 9/8/05.

The PFCP, which has not been submitted, must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

²³ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

²⁴ A **JD** must be completed prior to Preliminary Plat review by the Planning Commission.

²⁵ 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.

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, Stewart’s Landing Court & Stewart’s Landing Drive, 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.

Currently, this site is not included in the Master Water and Sewer Plan – which must be amended to include this site prior to the Planning Commission’s review its 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 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 homes/lots offered for sale.

Verification of water allocation must be received prior to the Planning Commission’s review its Final Plat.

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

’05 School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	460	851	1151
Capacity	514	721	1104
% Utilization	89%	118%	104%

Joe Moore made an additional comment that they need to re-do lots that have water lines and sewer lines. Mark Woodhull said in discussion about the water line, a design for the water supply system must also be submitted for review along with the roads and storm drains and storm water management plans. He further stated that an allocation request is required and that can be made after PC approves Preliminary Plat.

12. Larson’s Reserve at Andora, Concept Plan, Singerly Road, Frederick Ward Associates, Inc., Third Election District

Applicant appeared and provided an overview of the project. They said this plan was reviewed by TAC in February 2006 and it was disapproved by the PC last month. We have redesigned the front end of the development. We still have a total of 19 lots. The COS acreage was not

labeled on the plan and it is 9.4 or 9.65 acres. Applicant will have it added to the plan. This project is proposed with bonus density and we have provided 60% open space.

Bob Markwardt, CCBoE, said this project is within walking distance of Kenmore and Cherry Hill and we would like to see a sidewalk on the development side of Carter's Mill Road leading up to the driveway for Cherry Hill Middle School. Markwardt's understanding is the size is 2500 sf, price will be determined by the market and you will be starting as soon as you get approval.

Mark Woodhull, CC Department of Public Works, said 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. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Lots 1 & 18 are denied access to Carters Mill Road. Add a note to preliminary and final plat indicating this. How does the Elizabeth Way entrance correspond to existing access or buildings on parcel 677? Applicant responded they are confident they have missed that house, but they will make sure. Applicant continued this is Lee Way now and not Elizabeth Way. The final intersection alignment may need to be moved to avoid access and headlight to structure conflicts. Consultant must address these items along with a stopping sight distance submittal prior to preliminary plat submittal to the TAC. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). The 20' wide access easement between Lots 11 & 12 may need to be wider depending on the type of SWM conveyance proposed. The applicant is required to supply a Protocol 3 Road Condition Survey of Carters Mill Road. See the Department of Public Works November 2004 Guidance Document for the survey and reporting criteria. The extent of the survey shall cover Carters Mill Road, from the site's entrance to MD Rte 213. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information and an initial road improvements proposal is required prior to submittal for planning commission review of a preliminary plat. In regards to the required offsite road improvements, the applicant/developer is responsible for all right-of-way acquisition and any costs associated with the same. The minimum expectation the applicant should plan for is a mill and overlay of Carters Mill Road from MD 213 to 100' past the center line of Elizabeth Way.

Public Stormdrainage easements must be separated from private stormwater management and access easements. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 9.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 9.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 9.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 9.4 Requirements for Utility relocations.
- 9.5 Requirements for Public Works Agreements.
- 9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 9.7 Requirements for County Roads.
- 9.8 Requirements for Driveways.

9.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Carters Mill Road be upgraded to a Minor Road standard for 100’ either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Carters Mill Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Applicant must provide stopping sight distance measurements for the Carters Mill Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

James Kyte, Fire Chief Representative, asked if they are considering a fire suppression tank as there is nothing in the plan regarding this. Applicant asked Kyte for some standard specs for a tank. Kyte said he will provide them to applicant.

Cynthia Latham, MDE, said a water appropriation permit will be required.

Butch King, SHA, said there will be no access to Route 213, all access must be from Carter's Mill Road.

Joe Moore read the comments of CC Health Department. See attached.

There is no comment from U.S. Army Corp of Engineers. Delmarva Power said show at least one pole on each side of the road entrance and they ask for the average square footage of the homes.. Applicants have been provided a copy of the report of the Soils Conservation Service.

Tony Di Giacomo said upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. Similar Concept Plats were reviewed by the TAC and Planning Commission on 3/1/06, 3/20/06, and 4/17/06. This Concept Plat proposes 15 major subdivision lots on 45.148 acres, for a proposed density of 1/3.009.

Per Note # 9, §2.4.1 is being invoked, with Lots 1-4 proposed as minor subdivision lots.

The proposed Large Lot (#19), 17.05 acres, consists of 37.74% of the total acreage. The Development Summary indicates that 10.84 acres of common open space are proposed, which is 24.01% of the total acreage. Together, the large lot and the common open space comprise 61.75% of the total acreage – thus qualifying this project for bonus density eligibility.

The boundary line survey has been completed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good

engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²⁶

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.²⁷

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

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 213, not is shown for proposed Lot 19. For proposed Lot 19, it is assumed that a waiver is being requested as part of any Concept Plat approval.

A Bufferyard C has also been proposed along Carters Mill Road. Ordinarily, bufferyards are not an essential consideration at Concept Plat stage. In this case, since bonus density is sought, therefore, the preservation of rural character is a salient issue. The alternative bufferyard configuration is a reasonable attempt to preserve rural character. However, staff recommends consideration of a modified Bufferyard A along the border of the adjacent Parcel 293 be considered – to better preserve rural character.

The 100' building setback has been shown in conjunction with the proposed Bufferyard A. Why is it proposed to be located on 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.

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

The FSD was approved on 3/21/06.

²⁶ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

²⁷ 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 or the large lot, a **JD** need not be done.

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The proposed road name Lee Way has been approved.

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

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

A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. Note # 14 indicates that Lee Court is proposed as a private mini-road. No Lee Court is depicted 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.

A modification to the BRL for the existing structures on proposed Lot 19 is requested.

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

Applicant asked if Woodhull foresees and road code variance requirement and Woodhull said he does not. Applicant asked if the Corp of Engineers needs to verify that there are no wetlands if applicant has determined there are no wetlands. Applicant also asked if a bufferyard A would be okay instead of a street tree easement.

'05 School information:	Elementary	Middle	High School
	Kenmore	Cherry Hill	Elkton
FTE	312	559	1077
Capacity	285	700	1093
% Utilization	109%	80%	99%

13. Larson's Estates of Skyview, Concept Plan, Skyview Road, Frederick Ward Associates, Inc., Third Election District

Applicants appeared and provided an overview of the project. Ed Steere said this project was proposed with bonus density. The concept plat has been retooled and it is proposed as a conventional subdivision. There are 11 lots.

Bob Markwardt, CCBoE, wanted to confirm that Larson's Way is planned to be a County road. Applicant responded it is. Markwardt said at some point in time they will be to go into Larson's Way, turn around and come back out. Markwardt verified 2100-3000 sf on size, \$300k and up price and start asap when approved by PC.

Mark Woodhull, CC Department of Public Works, said 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. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Lots 1 & 2 are denied access to Skyview Road. Add note to preliminary and final plat. Label the right-of-way dedication as '30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County'. The right-of-way dedication along Skyview Road is scaled from the physical road centerline and offsite areas, i.e. areas of other ownership, should not be shown unless those owners have indicated their willingness to dedicate the right-of-way in fee simple as part of this project and plat. Provide additional right-of-way dedication at the Skyview Road cul-de-sac just north of Interstate-95. Right-of-way radius at this cul-de-sac should be 75'. Any permits required for crossing of a regulated wetland or stream shall be obtained by the applicant prior to Departmental approval of a plat for record. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). The drainage swale/structure crossing lots 10,11 & 12 is for stormwater management purposes, and must be shown, with dimensioning, as part of the project's private stormwater management easement. The SWM pond on lot one should be in common open space. How will access be provided to the SWM pond shown on lot 4 and who will maintain this pond? Given drainage area constraints, suggest you look at other BMP options that a pond on lot 4. The applicant is required to supply a Protocol 3 Road Condition Survey of Skyview Road. See the Department of Public Works November 2004 Guidance Document for the survey and reporting criteria. The extent of the survey shall cover Skyview Road, from the site's entrance to 5th Avenue. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information and an initial road improvements proposal is required prior to submittal for planning commission review of a preliminary plat. In regards to the required offsite road improvements, the applicant/developer is responsible for all right-of-way acquisition and any costs associated with the same. Public Stormdrainage easements must be separated from private stormwater management and access easements.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 8.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.

- 8.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 8.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 8.4 Requirements for Utility relocations.
- 8.5 Requirements for Public Works Agreements.
- 8.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 8.7 Requirements for County Roads .
- 8.8 Requirements for Driveways.
- 8.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Skyview Road be upgraded to a Minor Road standard for 100’ either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Skyview Road may not exceed 5% within the limits of the intersection right-of-way.

8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Skyview Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

James Kyte, Fire Chief Representative, said they suggested a 20,000 gallon fire suppression tank at the entrance with a pull off since it is a dead end road.

Cynthia Latham, MDE, a water appropriation and use permit will be required before final plat.

Joe Moore read comments of CC Health Department. See attached.

Butch King, SHA, had no comment.

There were no comments from U.S. Army Corps of Engineers. Delmarva Power said show at least one pole on each side of the road entrance. Applicant has been provided with copies of Soils Conservation Service reports.

Tony Di Giacomo said upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 11 lots on 39.33 acres, for a proposed density of 1/3.58.

5 of the proposed lots are minor subdivision lots. Their accessing the proposed interior roadway suggests the invocation of §2.4.1 of the Subdivision Regulations. However, their aggregate 8.73 acres is deducted from the gross 39.33, and the major subdivision density (1/5.1) has been calculated based upon the net acreage of 30.60.

Thus, bonus density is not sought.

The NAR zone requires 15% common open space for major subdivisions of ten or more lots. This proposal does not meet that requirement. 15% common open space must be included on any Concept Plat submitted for Planning Commission review.

Skyview Road has been mislabeled on the vicinity map and not labeled at all on the plat.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²⁸

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.²⁹
The habitats of rare, threatened, and endangered species must be avoided.

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

Skyview Road is functionally classified as a local Road. Therefore, no Bufferyard Standard C is required along its frontage.

A Bufferyard Standard A will be required adjacent to any adjoining parcel with an agricultural operation being conducted thereon.

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

²⁸ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

²⁹ 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 or the large lot, a **JD** need not be done.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The proposed road name Larson's 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 recorded lot placed in escrow for improvements prior to recordation.

Who will have responsibility for their maintenance of SWM ponds, if they are not on common open space?

Lots 1, 2 and 11 must be denied access to Skyview Road.

There are no 100 year floodplains associated with this site as stated in note #5.

A portion of the septic reserve area on lot 10 is located in the 160' expanded perennial stream buffer. This portion of the septic reserve area will need to be re-located out of the buffer.

The language "Prop 30' wide road improvements right of way" needs to be stricken from the plat and replaced with language reading "30' strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County".

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

'05 School information:	Elementary	Middle	High School
	Leeds	Cherry Hill	North East
FTE	400	559	1151
Capacity	374	700	1104
% Utilization	107%	80%	104%

14. Quails Crossing, Concept Plat, Stoney Battery Road, Vollmer & Associates LLP, First Election District

Applicant appeared and provided an overview of the project. Fred Orr said he was presenting Concept Plat. The layout proposes 13 lots on a combined site acreage of 66.03 acres which results in a proposed project density of 1 unit per 5.08 acres. This is a bonus density proposal with 68% common open space.

Tony Di Giacomo read the comments sent to Daniel Graham, Citizen Representative. A number of comments were received, all in opposition and with various concerns about environmental and habitat impact, cluster development not in character, and safety. See comments attached.

Bob Markwardt, CCBoE, said as stated, we do not go down Stoney Battery Road so everyone who lives on Stoney Battery must get out to the intersection. Markwardt asked for size and price of homes and projected start date. Applicant said at this time 3000 sf and up and price range has not been established. Start would be in 18 to 24 months.

Mark Woodhull, CC Department of Public Works, said a SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval Label the right-of-way dedication as '30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County'. The Department has made a site visit to determine in general if sight distance issues exist. This is not to be misconstrued as approval of final sight distance requirements for this project. Stopping sight distance measurements must still be submitted for review.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 5.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 5.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 5.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 5.4 Requirements for Utility relocations.
- 5.5 Requirements for Public Works Agreements.
- 5.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 5.7 Requirements for County Roads.
- 5.8 Requirements for Driveways.

5.9 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Stoney Battery Road must be upgraded to a Minor Road Standard for a distance of 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the county streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.
8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

James Kyte, Fire Chief Representative, asked if this will be 22 foot wide street with shoulders and no sidewalks. Orr stated they have not made that decision yet. Kyte asked if they would consider a fire suppression tank at the entrance since this is in Hack's Point Fire District and there is nothing for a water source. Orr stated they will look at it but they are looking at a wet SWM solution.

Cynthia Latham, MDE, a water appropriation and use permit will be required prior to final plat.

Joe Moore read comments of CC Health Department. See attached.

Butch King, SHA, had no comment.

There were no comments from U.S. Army Corps of Engineers. Delmarva Power said show at least one pole on each side of the road entrance. Applicant has been provided with copies of Soils Conservation Service reports.

Tony Di Giacomo said upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: SAR & RCA

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat proposes 13 lots on 66.03 acres, for a proposed bonus density of 1/5.08.

The Critical Area RCA overlay zone permits a density of 1/20. Only common open space is proposed for the 6.81 RCA acres. Natural resource protection areas and habitat protection areas must be shown on the concept plat. An environmental assessment must be submitted in accordance with §200.1 of the Zoning Ordinance.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good

engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.³⁰

Slopes greater than 25% must be shown on the Preliminary Plat. The steep slopes need to be differentiated between those greater than 25% and those between 15% and 25%.

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.³¹

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

15% percent common open space is required. For bonus density eligibility, one large lot may be included in the 60% open space provided it is at least 20 acres in size and is precluded from further subdivision. This project is proposing 68% common open space with no large lot.

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

Bufferyard Standard C is not required along the Stoney Battery Road frontages.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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 FSD and conceptual environmental assessment must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations).

³⁰ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

³¹ 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 or the large lot, a **JD** need not be done.

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

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

A Landscape Agreement must be executed prior to recordation.

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

The road name, Pheasants Run, has been approved.

The road frontage on Pheasants Run for each of the panhandles for lots 3 and 4 cannot be less than 25'.

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.

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

'05 School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	297	535	691
Capacity	325	540	689
% Utilization	88%	99%	100%

Woodhull added an additional comment reference the panhandles for lots 3 & 4, we would like to explore a shared access point for that if at all possible.

15. Chestnut Ridge, Phase 1, Lots 1-4, 6-33 and Phase II, Lot 5, Preliminary Plat, Stemmers Run Road, Vollmer Associates LLP, Fifth Election District.

Applicant appeared and provided an overview of the project. Applicant said this is a 33 lot subdivision. This was approved by the PC in Concept in 2/06. We are not returning with the Preliminary Plat.

Bob Markwardt, CCBoE, said they had discussed previously the possibility of a sidewalk. Is this planned? Applicant said the recommendation of the Planning Office was not to have a sidewalk. Markwardt verified his understanding of size, price and start date from previous meeting.

Mark Woodhull, CC Department of Public Works, said 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. No Road Code Variances has been sought for this development therefore, the Department will expect to see that the road & storm drain design complies with the Road Code completely. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). If the existing wet pond is intended to serve a stormwater management function, then a geotechnical analysis of the embankment is required, along with a Maryland professional engineer's analysis of the pond and outfall structure condition and hydraulic performance. The pond analysis must address any relevant MD 378 Pond Code criteria. The analysis must be submitted to the Department of Public Works in the form of an engineering report, signed and sealed by a Maryland licensed professional engineer. If the pond is to be maintained by the HOA or lot 33's owner, but not perform a stormwater function, the lot deed restrictions must note the maintenance responsibility. Public Stormdrainage easements must be separated from private stormwater management and access easements. Access to the stormwater management facility northeast of lots 22 & 23 should be via a fee simple open space strip with a recommended minimum width of 30 feet. Roadside grading for clear line of sight will be required at one or both of the proposed County Road access locations and the same must be shown on the entrance final grading plan. New entrance signage will be required along Grove Neck Road.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 7.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 7.4 Requirements for Utility relocations.
- 7.5 Requirements for Public Works Agreements.
- 7.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 7.7 Requirements for County Roads .
- 7.8 Requirements for Driveways.
- 7.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted

to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”

- b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Stemmers Run Road and Grove Neck Road be upgraded to a Minor Road standard for 100’ either side of the proposed entrances. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. This also applies to the intersection R.O.W. dedication at Stemmers Run and Grove Neck Roads. The internal street grade leaving Stemmers Run and Grove Neck Roads may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Stemmers Run Road and Grove Neck Road access locations to DPW prior to preliminary plat submittal. Mark the proposed Stemmers Run and Grove Neck Road entrance locations in the field by a survey stake or paint.

James Kyte, Fire Chief Representative, asked if there were any plans for helping out with water in the area. Applicant said they will go to lot 8 on page 2.

Cynthia Latham, MDE, said a water appropriation permit is required before final plat.

Joe Moore read comments of CC Health Department. See attached.

Additionally, applicant said that CC Health Department shows lot 5 as retained by owner. We anticipate expanding the size of lot 5 into a larger acreage than it currently is so they can expand the amount of land for percolation and eventually that will be reflected on a new Section II, Lot 5, but that will have some implications to the size of the open space.

Butch King, SHA, had no comment.

There were no comments from U.S. Army Corps of Engineers or Delmarva Power. Applicant has been provided with copies of Soils Conservation Service reports.

Tony Di Giacomo said this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: SAR

Density: The Concept Plat, proposed 23 lots and 32.9 acres of common open space on 188.86 acres for a density of 1/8.2. In addition, it invoked §2.4.1 for the 2 parcels of record and included 10 additional minor subdivision lots. It was approved on 2/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) All wetlands and stream buffers being depicted on the Preliminary Plat;
- 4) The bufferyard modification proposed in Note #13 being approved;
- 5) The proposed "Oak Crest Road" name being approved by the 911 Center prior to Planning Commission review of the Preliminary Plat;
- 6) All specimen trees and the locations of their critical root zones being shown on the PFCP and Preliminary Plat; and
- 7) Fee simple access to the stormwater management area to the rear of proposed Lot 23 being incorporated into the design.

Has the boundary line survey been completed?

This Preliminary Plat, proposing 23 major and 10 minor subdivision lots and 32.9 acres of common open space, is consistent with the approved Concept Plat. What is the rationale for showing proposed Lot 5 as "Phase 2"? Previously answered.

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.³² Slopes > 25% must be shown on the Preliminary Plat. There appear to be some slopes > 25% not labeled (S3).

Stream and wetlands buffers 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. What is the status of the required JD? It must be completed prior to preliminary plat review by the Planning Commission.³³

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Grove Neck and Stemmers Run Roads. In lieu of those Bufferyards C, staff would support a modified Bufferyard A in the common open space, roughly bordering proposed Lot 33, per Note # 14. That would better preserve and support the rural character of the area.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Oak Crest Road. 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. All specimen trees and critical root zones shown match those depicted on the FSD. Proposed Forest Retention Areas have been shown on the plat.

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The road name, "Oak Crest Road," has been approved.

³² The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

³³ 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 or the large lot, a **JD** need not be done.

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

As the density potential will have been exhausted if approved, a note will be required on the Final and Record Plats that no further subdivision resulting in additional lots is possible.

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

'05 School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	297	535	691
Capacity	325	540	689
% Utilization	88%	99%	100%

16. Canal View Estates, Lots 4, 5, 19, 38-106 & Common Open Space, Preliminary Plat, Vollmer Associates LLP, Second Election District

Applicant appeared and provided an overview of the project. This is a project that has been initiated back in the late 1980s and has had several subdivision sections. We are presenting this in order to receive comprehensive comments prior to going to the PC. There are a number of issues out there, one of which is a TIS.

Tony Di Giacomo said Daniel Graham, Citizen Representative, received numerous comments. All respondents are concerned and upset that this is back in the county's venue as they were under the impression it would be annexed to the town. A number were also concerned about well and septic and some concerned that density is too low and some that it is too high. There are concerns regarding environmental issues and traffic issues. See comments attached.

Bob Markwardt, CCBoE, said initially they will not plan on providing interior bus service but depending on the number of students and how it lays out, they can look at it later on. They would provide service at the three entrances for now. Markwardt asked for the size and price of homes and a start date. Applicant said 2500-3500 sq ft, approximately \$450k to \$600k and approximately 2007.

Mark Woodhull, CC Department of Public Works, said Knights Corner Road is restricted to 12,000lb vehicles. All construction traffic over 12,000 lb may only access the site from MD Route 285. The Knights Corner Road Bridge over Long Branch is currently reduced to one-way traffic, with no weight restriction. At this time the project to replace the bridge is in the

Capital Improvements Project list for FY2008. The Applicant must confirm, to this Department, the type of ROW (fee simple, road widening easement, etc...) provided on Knights Corner Road by the previous major subdivision plats for this subdivision. If any fee simple ROW strips originally intended to be conveyed to the County have not already been conveyed, the Applicant is requested to convey the same. 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. In design, the engineer should address the proposed development's stormwater runoff impacts on MD Route 285 and downstream properties along the south side of MD Route 285 including but not limited to Parcels 370 & 411 on Tax Map 43 and the COE property (C&D Canal). If easements are required due to any redirection of runoff, the applicant must obtain them before the Department will approve the stormwater management plans or sign a Final Plat. To this end the Department requests that all effected properties south of MD Route 285 be shown on the preliminary plat with Owner & Deed references included. Preliminary plat should show existing drainage utilities/pipes within two hundred feet of the tract per 4.1.22.k of the Cecil County Subdivision regulations. This should include existing open drainage ditches and water courses. With the addition of the approximately 720 ADT generated by this development, the requirements of Section 3.07.15 of the Road Code be applied to the intersection of Knights Corner Road with Bridge View Drive. This requires that Knights Corner Road be upgraded to Minor Collector road standard for 100' either side of the intersection. Acceleration and deceleration lanes must be provided at this intersection in accordance with the Road Code, applicant is responsible to obtain any necessary right-of-way. The DPW requires that a road condition survey be done for the existing portion of Bridge View Drive. This must include at a minimum 2 cores on pavement depths only. This report may be submitted following preliminary plat but before street design submittal. Any additional pavement overlay to existing portions of Bridge View Drive will be the applicant's responsibility and is to be itemized within the PWA.

The Applicant must also address roadside ditch improvements along Knights Corner Road on the east side in the area of Lots 6 & 17. The proposed internal road layout shown includes a wetlands crossing where the proposed section of Bridge View Drive connects to the existing roadway. Therefore the Department will require substantial Geo-Tech investigation of the suitability of the sub-grade to meet Road Code standards for County owned roads. The driveway access from Lot 95 must be made at an acceptable location and angle to Bridge View Drive. This requires that the existing drive indicated must be removed. The disposition of the existing Foard Farm Lane must be identified on the plat.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 13.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 13.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 13.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 13.4 Requirements for Utility relocations.
- 13.5 Requirements for Public Works Agreements.
- 13.6 Requirements for Stormwater Inspection and Maintenance Agreements.

- 13.7 Requirements for County Roads .
- 13.8 Requirements for Driveways.
- 13.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Stemmers Run Road and Grove Neck Road be upgraded to a Minor Road standard for 100’ either side of the proposed entrances. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. This also applies to the intersection R.O.W. dedication at Stemmers Run and Grove Neck Roads. The internal street grade leaving Stemmers Run and Grove Neck Roads may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the

crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Applicant must provide stopping sight distance measurements for the Stemmers Run Road and Grove Neck Road access locations to DPW prior to preliminary plat submittal. Mark the proposed Stemmers Run and Grove Neck Road entrance locations in the field by a survey stake or paint.

James Kyte, Fire Chief Representative, asked if all homes will have wells. Applicant responded yes. Kyte asked what is in the town of Chesapeake City. Applicant said there is no portion proposed on this plat that is in the corporate limits for purposes of this review. There are fire hydrants out MD Route 285 to about where the last houses run by 285. Kyte has not talked to Chesapeake City's Chief so he is not sure if a fire suppression tank would be needed.

Cynthia Latham, MDE, if all the houses go on wells, they will need public notice and aquifer testing. If it gets to that point, we will send a full package of information to applicant.

Joe Moore read comments of CC Health Department. See attached.

Butch King, SHA, said the TIS is in the mail. See attached written comments.

There were no comments from U.S. Army Corps of Engineers or Delmarva Power and applicant has been provided with copies of Soils Conservation Service reports.

Tony Di Giacomo said this project was found to be in compliance with §3.8 of the Subdivision Regulations, regarding public notification signs. With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR, RCA, LDA

Concept Plats **approved prior to July 25, 1989 remain valid.** The original Concept Plat, approved in February of 1989, showed this area as remaining lands. The revised Concept Plat for those remaining lands, consistent with the density approved in February of 1989, as well as the LDA density of 3.99/1, and the RCA density of 1/20, proposed 72 lots on 207.9 acres, for a proposed density of 1 du/ 2.89 ac. It was approved on 1/18/05, conditioned on:

- 1) A Traffic Impact Study (TIS) being completed 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) The Plat's being submitted to the Town of Chesapeake City for review and comment;
- 4) Town Zoning being cited on the Plat;
- 5) The acreage of the property within the Town being cited on the Preliminary Plat;
- 6) Adjacent County and Town Zoning being indicated on the Preliminary Plat; and

- 7) It being verified that the 15% common open space requirement is being satisfied by County rather than Town acreage.

Site Data Note # 2 indicate4s that there are 213.97 acres. What accounts for the increase from the 207.9 acres cited on the Concept Plat and the decrease from 217.5 cited in the density tabulation box? Applicant said they will check on it.

Condition # 1 of the 1/18/05 Concept Plat approval was that a TIS be completed prior to TAC review of the Preliminary Plat. Where is the TIS? In the mail.

Condition # 6 of the 1/18/05 Concept Plat approval was that adjacent County and Town Zoning be indicated on the Preliminary Plat. Where is that indication? I may not have been included.

Condition # 7 of the 1/18/05 Concept Plat approval was that it be verified that the 15% common open space requirement is being satisfied by County rather than Town acreage. The Site Data Table on the T1 cover sheet indicates that 60.72 acres of common open space is proposed, yet the 37.42 acres shown on sheet 1 and sheet 3's 15.54 acres total only 52.96. 15% of 213.97 is 32.09 acres.

The applicant is reminded that conditions of approval are requirements, not mere suggestions.

The Lot Data Table on sheet T1 indicates that lot 95 is 38.93 acres in size, but Note # 13 in the Site Data column indicates it is 24.95 acres. What accounts for this discrepancy? Applicant will need to check on it.

Sheet S2's schematic depicts a "1.37 acre lot to be converted to Atlantic Broadband." The Lot Data Table on sheet T1 does not contain a single 1.37-acre lot. As stated at previous reviews of this project, all acreage must be accounted for accurately.

The land reserved by owner is cited as 26.93, 16.93, and 21.97 acres. How do those varying acreages relate to one another?

The applicant is reminded that, pursuant to §4.1.22, OPZ can return incomplete Preliminary Plats.

What is intended by Atlantic Broadband, and will it require a Special Exception? This is an existing cell tower and it provides cell service and cable service to Chesapeake City and to Perryville.

This property was proposed to be annexed into the Town of Chesapeake City. Have those plans changed? To the extent that we are going to pursue a septic based project of 72 lots allowable under the approved Concept, we wanted to come forward with that and perfect that in the event those negotiations don't succeed, we would maintain the option to pursue our rights under the County Ordinances.

This Preliminary Plat is generally consistent with the 1/18/05 and the Feb. 1989 Concept approvals, but many specific details are in question, and conditions of approval have not been satisfied.

Has the boundary line survey been completed?

3 lots are proposed on the 46.20 33.1 acres in the LDA portion of the site for a density of 1/14.50. The previously-cited acreage was 33.1; what accounts for the change? This is the result of a boundary line survey.

1 lot is proposed on 59.53 59.9 acres in the RCA portion of the site for a density of 1/59.53. The previously-cited acreage was 59.9; what accounts for the change? This is the result of a boundary line survey.

Slopes greater than 15% and 25% 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.³⁴

Stream and wetland buffers have been shown. is required from all perennial 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. As was a condition of Concept approval, a JD must be completed prior to Preliminary Plat review by the Planning Commission. What is the status of the JD? It is in process and are unsure if a site visit has taken place.

It still must be verified that at least 15% of the Common Open Space proposed is actually in the County.

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

In the LDA and RCA, impervious surfaces shall be limited to 15% of the gross site. Within the Critical Area, clearing of up to 20% of the forest or developed woodland may be removed if one to one replacement is achieved.

No building or other structure shall exceed 35 feet in height in the Critical Area.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Knight's Corner Road and Biddle Street (MD 285).

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. No street tree planting easement has been shown. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

³⁴ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

The FSD and a conceptual environmental assessment were approved on 1/18/05. Per condition #7 of the 3/21/95 Section 4 approval, Section 4's area outside the Critical Area must now address Forest Conservation Regulations. In addition, the requirements of Special Exception # 2271, should the property transfer outside of the ownership of the Foard family, the manufactured home located on the site must be removed.

The PFCP and preliminary environmental assessment have not been submitted. They must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations); what is their status?

The FCP, Landscape Plan, and Environmental Assessment 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.

The §3.2.B exemption for those areas in the Critical Area must be cited on the plat.

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.

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.

Proposed Lots 4 and 5 shall be denied access to MD Route 285. Proposed Lot 95 shall be denied access to Knights Corner Road.

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

This Preliminary Plat has unsatisfied conditions of Concept approval, inconsistencies, and unanswered questions. After such deficiencies have been remedied, a revised version must be reviewed by the TAC prior to submission to the Planning Commission. If a Preliminary Plat is submitted to the Planning Commission without first having been reviewed by the TAC after all conditions of Concept approval have been satisfied, then it will not be accepted and returned to the applicant.

'05 School information:	Elementary	Middle	High School
	Chesapeake City	Bohemia Manor	Bo Manor
FTE	283	535	691
Capacity	308	540	689
% Utilization	92%	99%	100%

The meeting was adjourned at 4:15 p.m.

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE

Wednesday, June 7, 2006, 9:00 a.m.

**County Administration Building
107 North Street, Elkton, Maryland**

Present: Di Giacomo (CCP&Z), Woodhull (CCDPW), Moore (DEH), Kyte (FA), Latham (MDE), Markwardt (CCBoE), Chris Brown, (CCSCS), Kathleen O'Connell (CCP&Z)

Absent: Cwiek (USACoE), Reynolds (Delmarva Power), King (SHA)

Tony Di Giacomo called the meeting to order at 9:05 a.m.

- 1) **Pleasanton Estates**, 4 Lots, Mini-road Subdivision Concept Plat, Pleasanton Way, American Engineering and Surveying, Inc., Second Election District.

Stan Granger, American Engineering, appeared and provided an overview of the project.

Mark Woodhull, CCDPW, said a SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

Are you proposing to locate the SWM facility for this development on the remaining lands of L. P. Pleasanton? Granger said they are looking at that. Can this be accommodated on property in agricultural preservation? Di Giacomo said the terms of the ag preservation will have to be checked.

An access way with associated easement must be provided from the County road to the SWM facility.

Who will own and maintain this facility? Granger said the thinking was to put a pond on her property and would be maintained by her. If this turns out not to be legal, it will need to be moved to the remaining lands on the 20 acres. Lots 1-3 must be provided legal right to use this facility and these rights as well as obligations must be identified in the deed language for the lots.

Private stormwater conveyance and Inspection & Maintenance easements must be identified on the final plat. This includes all proposed conveyances and the SWM facility.

What is the proposed disposition of the swales and their easements on this site? Granger said they will have to see how it lays out. Does the swale shown on Lots 1 & 2 provide drainage for the adjacent Lands of Collins parcel? Mr. Collins asked Woodhull to explain what he was talking about since he was talking about his property. Identify the full extent of the swale and associated easement shown on Lot 2.

How will SWM be addressed for the private mini road and Lot 4? Granger said they have not gotten into any SWM.

Applicant must provide stopping sight distance measurements for the Middle Neck Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint. Middle Neck Road is an asphalt road approximately 18' wide and in generally good condition between this site and Old Telegraph Road. The road dead ends west of the proposed site.

Is the 12⁺ acre Reserved Area being created under this subdivision? What is proposed for this area? Only one (1) additional lot may access the proposed private mini road. If the reserved area is part of this subdivision provide the fee simple dedication for the approximately 360' Middle Neck Road frontage of the 12⁺ acre remaining lands identified on this site. Provide the standard 30' fee simple dedication for the 40'+/- frontage, of the private mini road, on Middle Neck Road. This dedicated area must be shown separate from the private mini road ROW. Identify Middle Neck Road on the plat.

Change the parcel number of the remaining lands in Ag preservation from 8 to 9.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 13.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 13.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 13.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 13.4 Requirements for Utility relocations.
- 13.5 Requirements for Public Works Agreements.
- 13.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 13.7 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Middle Neck Road must be upgraded to a Minor Road Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for private mini road & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The private mini road must comply with Section 2.13 of the Road Code.

Chris Brown, SCS, read comments and provided soil maps and reports to applicant.

Bob Markwardt, CCBoE, said no internal bus service would be provided. He asked for size and price of the homes. Granger said they do not know at this point.

James Kyte, (Fire Chief Representative), asked if the size of the cul de sac could be increased to provide a way for fire equipment to turn around.

Cynthia Latham, MDE, said no ground water appropriation permit is required.

Joe Moore, CC Department of Health, read the comments of the health department. See attached.

Moore asked Granger to identify the ag line on the plat.

No comments were received from US Army Corp of Engineers, SHA or Delmarva Power.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: SAR & RCA

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat ostensibly proposes 4 lots plus remaining lands on 40 acres, for a proposed density of 1/8.

The remaining lands are not accounted for in the Site or Acreage Data. That deficiency must be rectified prior to any submission to the Planning Commission.

At odds with the Location Map, the plat misrepresents a portion of the remaining lands to be Parcel 8. That must be corrected prior to any submission to the Planning Commission.

A portion of the property is within the Critical Area, classified as RCA. Since no scale has been provided for the Location Map, and since the Location Map did not show the Critical Area RCA boundary, it was not possible to determine if any portion of these proposed lots lie within the RCA boundary and are thus subject to its 1/20 density.

Any Concept Plat submitted for the Planning Commission's review shall include a Location Map that clearly delineates the RCA boundary for this property.

In addition, a vicinity map (Location Map) typically includes an intersection for better location orientation. In this case, the vicinity map (Location Map) does not include any intersection and it does not completely label Middle Neck Road. Nowhere does the plat label Middle Neck Road. These deficiencies must be rectified prior to any submission to the Planning Commission.

All property owned has not been shown, as required in §4.0.13 (b). The vicinity map (Location Map) indicates that Parcel 32 is part of Parcel 9, and that Parcel 9 extends across Middle Neck Road. This is not shown on the plat. Which information is correct?

The density stated in the Acreage Data column suggests that all of Parcel 9's acreage has been used for the density calculation. If so, then why hasn't all of Parcel 9 been shown?

A MALPF Easement has been established on Parcel 9 on all but 40 acres. The MALPF Easement's acreage cannot be used for any density calculation. That must be corrected prior to any submission to the Planning Commission.

Why hasn't the existence of the MALPF Easement been cited by note and clearly shown on the plat? These deficiencies must be rectified prior to any submission to the Planning Commission.

The applicant is reminded that, pursuant to §4.0.13 (a), OPZ can return incomplete plats to the subdivider for appropriate modifications and resubmission at a later date.

The wrong FEMA panel number has been cited. That must be corrected prior to any submission to the Planning Commission.

These proposed lots appear to be minor subdivision lots that, because of the proposed interior road, are following the major subdivision procedures, including reviews by the Technical Advisory Committee (TAC) and the Planning Commission, pursuant to §2.4.2 of the Subdivision Regulations. Is that correct?

What is intended for the remaining lands (not covered under the MALPF Easement)?

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹

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.²

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

No common open space is required for only 4 lots.

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

No sidewalks are recommended.

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

¹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

² 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 or the large lot, a **JD** need not be done.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring. The applicant is reminded that a Bufferyard Standard A requires a minimum 100' setback.

Is the proposed Stormwater Management Area to the north in the MALPF Easement and is it proposed to serve this development? Granger said it is in the ag preservation at this point. Di Giacomo said they will have to look at that closely to determine if that is allowed in ag preservation.

What is the nature of the swale shown to be "reserved for sewage disposal" partially located on proposed Lots 1 and 2? Previously answered and if is from not for.

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), and, possibly, a conceptual environmental assessment, must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations).

The Preliminary Forest Conservation Plan (PFCP), and, possibly, a preliminary environmental assessment, must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (FCP) and Landscape Plan and, possibly, an environmental assessment must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Note # 9 refers to "the Forest Retention Area shown." No Forest Retention Area has been shown. Granger said they have not considered forest retention at this point.

The proposed road name Pleasanton Way has been approved.

Is Pleasanton Way proposed to be a private mini-road? Granger said it is. If so, then a Mini-road Maintenance 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.

Access to any common open space (as may be used for SWM areas) between lots must be marked with concrete monuments.

A Homeowners' Association for maintenance of any common open space (as may be used for SWM areas) 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.

It is unclear why a signature block has been included on a Concept Plat, but signature blocks must be placed in the lower left-hand corner of Final Plats.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month. Pursuant to §4.0.13 (a), OPZ will return any incomplete Concept Plat to the subdivider for modification and resubmission at a later date.

'05 School information:	<u>Elementary</u> Cecilton	<u>Middle</u> Bo Manor	<u>High School</u> Bo Manor
FTE	287	535	691
Capacity	325	540	689
% Utilization	88%	99%	100%

- 2) **Prelude (Village of Bay View)**, 4 Lots, Preliminary Minor Subdivision Plat, Old Bayview Road, American Engineering and Surveying, Inc., Fifth Election District

Tim Granger, American Engineering, and Christopher Diebold, property owner appeared and presented an overview of the project.

Mark Woodhull, CCDPW, said all Departmental requirements have been met and we recommend approval to the Planning Commission.

Chris Brown, SCS, had no comment.

Bob Markwardt, CCBoE, wanted to make sure that everyone understands that bus service will not always be provided as a right hand pick up and drop off. If possible, provide a walking pathway to get students to a bus pickup.

James Kyte, (Fire Chief Representative), no comments.

Cynthia Latham, MDE, no water appropriation permit is necessary.

Joe Moore, CC Department of Health, read the comments of the Health Department. See Attached.

No comments were received from US Army Corp of Engineers, or Delmarva Power.

Tony Di Giacomo read the comments of the SHA. See attached.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: VR (Village Residential) – the purpose of which “is to provide for the protection of existing villages by allowing limited development consistent with the character of these villages.”³

Density: The VR zone permits a density of 1 du/ 1 ac., or 4/1 with community facilities.

This Minor Subdivision, consistent with §28.2.a of the Zoning Ordinance, which stipulates that all subdivisions in the VR zone must proceed through the major subdivision process and be reviewed by the TAC and the Planning Commission. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots. This, therefore, is essentially a Preliminary-Final Plat.

The Concept Plat, consisting of parcels 49 and 138, both original parcels of record, and proposing 4 lots, was approved at a density of 2.48/1 on 9/23/04, conditioned on:

- 1) The Variance being referenced by case number on the Preliminary/Final and Record Plats;
- 2) The Natural Heritage Service letter being received and any sensitive species issues being addressed prior to Preliminary-Final Plat approval.
- 3) The Final and Record Plats' containing a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Comprehensive Water and Sewer Plan;
- 4) The Preliminary-Final and Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 5) Consistent with §186.1, a 10' street tree planting easement along Old Bayview Road being shown and labeled on the Preliminary/Final Plat;
- 6) Written verifications of water allocation and sewer capacity being received prior to Preliminary/Final Plat review by the Planning Commission.

Variance # 3055 has been cited in General Note # 13.

The fee simple road widening dedication required on Old Bayview Road has been noted on the plat.

The applicant is reminded that unless a Preliminary-Final Plat is approved beforehand, the Concept Plat will expire on 9/23/06, per §4.0.9.

Documentation of the water agreement with the Town of North East has been received. It was executed on 11/25/03. §IV of said agreement stipulates that “It is agreed that Town [sic] shall not be obligated to supply water to any units that have not received certificates of occupancy within two (2) years from the date of this agreement.” Therefore, the Town has not been obligated to supply water since 11/25/05.

Documentation that the Town will supply the water must be submitted prior to the Planning Commission's review of the Preliminary-Final Plat.

³ The Cecil County Comprehensive Plan identifies 19 villages. There are 13 “Crossroad Villages”: **Bay View**, Calvert, Cherry Hill, Childs, Colora, Conowingo/ Kilbys Corner, Earleville, Elk Mills, Fair Hill, Farmington, Leslie/Marysville, Warwick and Zion. The 6 “Waterfront Villages” are: Crystal Beach, Fredericktown, Hacks Point, Locust Point, Port Herman/Hollywood Beach, and Red Point.

On any 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.⁴

Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland and stream impacts prior to recordation. Has a JD been done? Granger said he believes that it was. Di Giacomo said he will check.

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

This preliminary-Final Plat is generally consistent with the approved Concept Plat.

Sidewalks were not recommended in this case.

The FSD, FCP and Landscape Plan were approved on 9/2/04.

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 Preliminary-Final and Record Plats.

The Preliminary-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 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 allocation/capacity must be received prior to Preliminary-Final Plat review by the Planning Commission.

Any zoning violations must be satisfactorily remedied prior to recordation

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

'05 School information:	<u>Elementary</u> Bay View	<u>Middle</u> North East	<u>High School</u> North East
FTE	490	851	1151
Capacity	556	721	1104
% Utilization	88%	118%	104%

- 3) **Slicer's Mill**, 13 Lots, Concept Plat, Slicer's Mill Road, American Engineering and Surveying, Inc., Sixth Election District

Tim Granger, American Engineering, appeared and provided an overview of the project.

⁴ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Mark Woodhull, CCDPW, said a SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

Stone Run is designated a Class III-P stream and thermal impact from SWM pond discharge must be addressed in accordance with the MDE 2000 design Manual.

The proposed Slicer's Mill Way grade may not exceed 5% within the intersection ROW.

The entrance geometry for Slicer's Mill Way remains challenging. While the applicant's engineer has met with the Department to discuss this issue we recommend that proposed solutions be submitted for review prior to final design of the road & storm drain plans for this project. The applicant should begin considering acquiring the necessary easements to provide for a safe ingress & egress to this site as well as be aware of the potential for offsite road improvements on Slicer's Mill Road. Woodhull and Granger had additional discussion regarding the stopping site distance.

While the proposed street alignment is an improvement over the previous submittal, the Department has concerns that temporary/permanent easements may be needed on the D. Sprout & J. Horney properties to properly tie the drainage ditch embankments into existing grading as discussed by you, Tim Whittie and me. Granger said they have verbal agreement with the Sprout's for an easement. The Department will not support the use of retaining walls on a county road. The horizontal curve adjacent to Lots 12 & 13 must comply with Section 3.04 of the Road Code. Any sight distance easement required must be identified on the final plat. Slicer's Mill Way will require an intermediate turnaround.

Applicant must obtain the Susquehanna Power Company right-of-way and easement dedication conditions and approval for construction of the internal county road (Slicer's Mill Way). The Susquehanna Power Company must approve of the construction of a public road over the transmission company right-of-way before final plat submittal to the planning commission. It is recommended that the Applicant obtain this information prior to preliminary plat approval by the planning commission, so as to avoid any costly site re-design that might be necessitated by a refusal from the transmission company.

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

The Department has made a site visit to determine in general if sight distance issues exist. This is not to be misconstrued as approval of final sight distance requirements for this project. Stopping sight distance measurements must still be submitted for review.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 12.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 12.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 12.4 Requirements for Utility relocations.
- 12.5 Requirements for Public Works Agreements.
- 12.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 12.7 Requirements for County Roads.
- 12.8 Requirements for Driveways.
- 12.9 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

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

- a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 3. Section 3.07.15 of the Road Code directs that Slicer's Mill Road must be upgraded to a Minor Road Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
 4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
 5. A Public Works Agreement is required for the county streets & storm drainage constructions.
 6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. All curves must comply with the Road Code (Section 3.04). The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.
 8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
 9. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Woodhull said a SWM facility at the top of the property, we will look carefully at the discharge of those ponds. If they convey across to other properties, an easement must be obtained. Granger said they do not believe it will as it will go in their common open space.

Chris Brown, SCS, read the comments and provided soil maps and reports to applicant.

Bob Markwardt, CCBoE, said there will be no internal bus service provided. He asked about house values and Granger said they are the same.

James Kyte, (Fire Chief Representative), asked about a fire suppression tank. Granger said they have not approached this. Kyte indicated where he would like to see the fire suppression tank located. Kyte also asked if there will be a 26' wide roadway at the sharp turn. Granger said there will. Kyte verified that the cul de sacs will be at least 100'.

Cynthia Latham, MDE, said a water appropriation and use permit is required prior to final plat.

Joe Moore, CC Department of Health, read the comments of the Health Department. See Attached.

No comments were received from US Army Corp of Engineers, SHA or Delmarva Power.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 5 ac. 11 major subdivision lots are proposed on 57.375 acres, for a density of 1/5.2159. In addition, 2 minor subdivision lots are proposed under the density provisions of §2.4.1. Bonus density is not an issue.

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

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

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.⁶

The site contains no habitats of rare, threatened, and endangered species.

15% common open space is required; only 14.98% is proposed. Any Concept Plat submitted to the Planning Commission with less than 15% common open space will not be approvable. All areas of common open space must be labeled as such.

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

Bufferyard Standard C is required, outside the right-of-way, along the Slicer's Mill Road frontages.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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.

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

⁶ 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 or the large lot, a **JD** need not be done.

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

The FSD was approved on 5/18/06.

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The road names, Slicer’s Mill Court and Slicer’s Mill Way, 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.

A portion of Slicer’s Mill Way is located in the perennial stream buffer. Pursuant to § 174.b (2) of the Zoning Ordinance, it must be demonstrated that the disturbance created by the road crossing is minimal.

Pursuant to § 7.2.12.B.9, a mid-block turnaround has been provided on Slicer’s Mill Way.

The Susquehanna Power Company will need to provide verification that they have approved the proposed impacts to the right of way.

While it is noted that proposed lots 3-7 exceed the 3:1 length to width ratio established in §7.4.2, it is conceded that the Susquehanna Power Company right of way makes strict adherence to §7.4.2 problematical.

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

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Rising Sun	Rising Sun	Rising Sun
FTE	793	702	1153
Capacity	671	785	1081
% Utilization	118%	89%	107%

4) **Larson's Wilna Farm**, 66 Lots, Concept Plat, Blueball Road, KCI Technologies, Inc., Third Election District

Brian Morgan and Paul Gutmann , KCI, appeared and provided an overview of the property. Existing buildings are to remain intact on the remaining lands. PECO Energy easements will be a part of the larger lot. The property is surrounded primarily by PECO Energy.

Mark Woodhull, CCDPW, said it is understood that a private onsite water supply & distribution system is proposed for this development. This system must be designed to meet or exceed County standards and provide for adequate fire flow and pressure. The Department strongly recommends that the applicant have the serving fire company review the proposed design including fire hydrant locations & spacing.

This project is not located within a public water and public sewer service district in the Cecil County Master Water and Sewer Plan (MWSP). An amendment to the Cecil County MWSP will be required. If the Developer proceeds with engineering submittals to the Department of Public Works, before obtaining the required amendments to the MWSP, the Developer does so at their own risk.

Where do you intend to locate the water wells & treatment facility? Morgan said those areas have not been identified at this point. We would want to talk about this with DPW prior to going forward. These facilities must be identified on the preliminary plat submitted for TAC review. Morgan said there is an artesian well on lot 66.

Who will own & maintain the water supply & distribution system for this development? Morgan said they are proposing the community own and maintain this. Woodhull said this information must be provided on the final plat.

A SWM plan, Road & Storm Drain plan, a Water Treatment and Distribution system plan, a Sanitary Sewer System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The water and sewer system design must be submitted to the Department of Public Works and be approvable as to design by the Department prior to submittal for Final Plat Approval. 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. Any SWM facility discharging on to SHA property will require review and approval from SHA. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc...) on down-gradient properties so impacted must be identified on the SWM Plans. If SWM goes off site, easements must be obtained.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s).

Stormwater conveyance easements where required must be identified on the final plat.

Do you intend to use the existing pond on Lots 55& 56 to address SWM for this development? Morgan said they will not. If it is the SWM plan must include an engineered As-built of the pond and supporting calculations as to its capacity to meet any new demands. A hazard analysis and breach analysis of the on site pond will be required.

Indicate the 25' wetland buffer around the pond on Lots 55 & 56.

The Department strongly recommends that the tot lot adjacent to Lots 4 & 5 be relocated away from the SWM pond to address safety concerns. You will need to meet MDE requirements for fencing of the ponds.

Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial/Intermittent streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. Additionally, the stream crossing structure must be approved as part of the private road system approval, which must meet County Road Code criteria, passing the 25 year storm without overtopping. A re-mapping of the 100-year flood plain onsite and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.

General Mackall Lane must be designed to a minor collector road standard (60' ROW) at a minimum from Lucas Loyal Court to Blueball Road. The Department will recommend to the Planning Commission that General Mackall Lane be designed with a dual lane entrance. DPW will discuss the dual lane with applicant. Closed section road design is required per Section 2.07 of the Road Code. The cul-de-sac bulbs are not in compliance with the Standard Details R-14 and the intermediate turnaround does not comply with and Standard Details R-13 & R-16 of the Road Code. The horizontal curve adjacent to Lot 61 must comply with Section 3.04 of the Road Code. Any sight distance easement required must be identified on the final plat.

Where do you intend to access General Mackall Lane from Lot 66? Morgan said it will be at the gravel lane. Woodhull asked if 66 will be an occupied dwelling. Morgan said it will.

There is no county sanitary sewer service in this area. What WWTP do you intend to access? Morgan said they intend to tie into Herron Lake. If the applicant intends to connect to the proposed Villages at Herron Lake WWTP the applicant will be responsible for obtaining all required easements and the installation of the sewer main between the site and the proposed WWTP. The applicant is also responsible for all costs in doing so.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 20.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 20.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 20.3 Requirements for Utility relocations.
- 20.4 Requirements for Public Works Agreements.
- 20.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 20.6 Requirements for County Roads.
- 20.7 Requirements for Driveways.
- 20.8 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*

2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Oldfield Point Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. Applicant must provide stopping sight distance measurements for the Oldfield Point Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Chris Brown, SCS, read the comments and provided soil maps and reports to applicant.

Bob Markwardt, CCBoE, said the project does not qualify for internal bus service. They suggest a bus shelter and car parking for bus pick up.

James Kyte, (Fire Chief Representative), said no parking signs will be required on both sides of the streets. Try to design with 4 parking spaces per home to keep them off the street. There was discussion of the flow of water to the fire suppression area.

Cynthia Latham, MDE, said she did not know they needed analysis. She added they will be required to have a permit to construct a community water system. She provided a business card for a referral reference the water treatment plant. She will do water analysis and wants to see how it holds out in a drought.

Joe Moore, CC Department of Health, read the comments of the Health Department. See Attached.

No comments were received from US Army Corp of Engineers, or Delmarva Power.

Rebecca Demmler sent several emails to Daniel Graham and Tony Di Giacomo regarding appropriateness of the project. See attached

Tony Di Giacomo read the comments of the SHA. See attached.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: SR

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities.

This Concept Plat proposes 66 lots, road right-of-way, and common open space on 46.99 acres, for a proposed density of 1.405/1. However, since all of the acreage is not zoned SR, and since the BG acreage is not provided, the actual proposed density is something other than 1.405/1.

Development Data Note # 5 indicates that community facilities are planned. General Note # 7 reveals that an extension of Cecil County sewer service is planned, as is a private on-site water system. This property is not included in the Master Water & Sewer Plan.

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

Per §69, a single family detached dwelling is permitted in the BG zone “provided that the dwelling is for the owner, operator, or employees of an on-site business.” All or portions of 15 lots are proposed on land now zoned BG.

The BG delineation is also incorrect. There is no commercial panhandle going out to Blue Ball Road.

The applicant is advised that the Planning Commission cannot approve a Concept Plat that proposes a use that is in conflict with the Zoning Ordinance. Therefore, it is incumbent upon the applicant to secure a zoning amendment, changing the portion of Parcel 618 that is currently zoned BG to SR, prior to the Planning Commission’s review of any Concept Plat that proposes detached dwellings in the BG-zoned portion of the site. Di Giacomo said he spoke with Mr. Larson and he is aware of this requirement.

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

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

A 110’ perennial stream buffer is required from 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 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.⁸

The site contains no habitats of rare, threatened, and endangered species.

15% common open space is required; 21.11% is proposed. How will the proposed common open space to the north of the PECO property be accessed? Morgan said it will be accessed by the existing

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

⁸ 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 or the large lot, a **JD** need not be done.

road that links the two parcels together. Has any consideration been given to providing more accessible, centrally-located common open space?

What will happen to that road? Who has access to the use of the road, who has a right to use it to the north? Morgan said it will only exist across the PECO property.

The proposed tot lot between proposed lots 4 and 20 is not easily accessible. As proposed, children would have to pass by two SWM areas (attractive hazards) to reach it.

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

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

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

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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 was approved on 5/19/06.

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

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), Cecil County Forest Conservation Regulations). A Landscape Agreement must be executed prior to recordation.

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

Several proposed lots, including 8 and 17, appear to exceed the 3:1 length to width ratio established in §7.4.2. No lot dimensions have been provided, per §4.0.13 (j).

The proposed road names General Mackall Lane and Lucas Loyal Court have been approved.

Fire hydrant locations must be finalized in consultation with the Singerly Volunteer Fire Company and the Department of Public Works.

What is the proposed disposition for the existing structures on proposed Lot 66, including the barn that is partially within the PECO 75' clearing easement? Morgan said those buildings will remain in their entirety and will serve as a residential dwelling.

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 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 (if so amended).

The Master Water and Sewer Plan must be amended to include this site prior to the Planning Commission's review of the Final Plat.

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

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

General Note # 7 indicates that the water supply will be provided by an on-site private system. That systems details, including wells, treatment facilities, and a storage tank, must be submitted with construction drawings to the Department of Public Works.

Verification of the proposed water system's capability of serving these proposed lots 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.

In conjunction with the aforementioned plan(s), the on-site private water system, including wells, treatment facilities, and a storage tank must be reviewed by DPW and the Health Department prior to Final Plat review.

All applicable provision of §175 of the Zoning Ordinance shall be adhered to.

Verification of sewer allocation must be received from the Department of Public Works prior to Final Plat review.

A Traffic Impact Study (TIS) will be required. It must be completed prior to the TAC's review of the Preliminary Plat.

The area where the access road intersects MD 545 needs to be labeled as SHA right of way, if that is what it is.

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

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Leeds	Cherry Hill	North East
FTE	400	559	1151
Capacity	374	700	1104
% Utilization	107%	80%	104%

Di Giacomo again stated the need for a rezoning of the BG to SR prior to it being reviewed by the Planning Commission. Also the MWS Plan must be amended prior to review by the Planning Commission.

Mark Woodhull said General Mackall Lane must be up out of the 100 year flood plain as it is the only road into the project. Morgan said there is another road. Woodhull suggested they get with DPW prior to full blown engineering.

5) **Lands of Boettcher, Josephine M.,** 22 Lots, Preliminary Plat, Oldfield Point Road, KCI Technologies, Inc., Fifth Election District

Brian Morgan and Paul Gutmann, KCI, appeared and provided an overview of the project. They were referred back to TAC by the PC. The lot lines were changed significantly for better representation.

Mark Woodhull, CCDPW, said 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.

How will the SWM requirements for Lots 11-14 be addressed as they do not appear to drain to any shown SWM areas? Gutmann said they will go directly into the creek area and they will be below the existing water discharges. DPW said they should be advised that DPW will look at this closely.

No Road Code Variances have been requested therefore, the Department expects that the internal street and entrance will be built to county specifications.

Show selected general street profile grades on plan view. Acceleration and Deceleration lanes will be required and must be shown on the preliminary plat submitted for planning commission review.

Move the stormdrain inlets away from the entrance curb returns and areas of turning traffic. Remove the less than right angle stormdrain structure alignments, add stormdrain manhole(s) where necessary.

Who is responsible for the maintenance of the yard inlet and drainpipe crossing Lots 8, 9, & 10? Morgan said he thinks it is HOA, but will address this. A private drainage easement must be provided for this conveyance and be so indicated on the plat.

Define the extent and nature of the swale buffer crossing Lot 15. Look at sheet 3 of 5, address the buffers impact on the Creekview Drive road alignment. Discharge from the storm drain on Creekview Drive must go to the pond not directly into the swale as shown. Morgan said it is a

drainage swale and has been noted by the Health Department as well. DPW will be looking at this closely.

Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial/Intermittent streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings.

Any permits required for disturbance of a regulated wetland or wetland buffer shall be obtained by the applicant prior to Departmental approval of a plat for record.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). The drainage swale/structure along the rear of lots 1-6 for stormwater management purposes must be identified as a private stormwater management easement.

Public Stormdrainage easements must be separated from private stormwater management and access easements.

Identify the disposition of the existing lane, crossing Lots 12-14 & COS, in a note on the final plat.

The deed language for Lots 11& 12 and 13& 14 must include the rights and responsibilities of each Lot Owner in regards to the access easements for shared driveways.

Additional right-of-way dedication is required along Oldfield Point Road, which will precipitate a change in the bufferyard 'C' location. See public works for the right-of-way dedication required and show the same on the applicable preliminary plat submitted for TAC and/or Planning Commission review. Modify the right-of-way dedication to read 'Road right-of-way to be dedicated in fee simple to the Board of County Commissioners for Cecil County'.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 15.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 15.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 15.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 15.4 Requirements for Utility relocations.
- 15.5 Requirements for Public Works Agreements.
- 15.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 15.7 Requirements for County Roads.
- 15.8 Requirements for Driveways.
- 15.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Oldfield Point Road be upgraded to a Minor Collector Road standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
 4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
 5. A Public Works Agreement is required for the streets & storm drainage constructions.
 6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Oldfield Point Road may not exceed 5% within the limits of the intersection right-of-way.
 8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
 9. Applicant must provide stopping sight distance measurements for the Oldfield Point Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Chris Brown, SCS, read the comments and provided soil maps and reports to applicant.

Bob Markwardt, CCBoE, said bus service will be provided at Creekview Drive and Oldfield Point Road. Morgan said they anticipate starting the project in the spring of 2007.

James Kyte, (Fire Chief Representative), asked about a fire suppression tank. Morgan said they have made contact with Singerly Fire and are awaiting information from them. There is a dry hydrant within five to six hundred feet from the property. Kyte said they have lost two homes in that area in the past year due to lack of water. One home was lost a week ago and it was under construction.

Cynthia Latham, MDE, a water appropriation permit has been provided.

Joe Moore, CC Department of Health, read the comments of the Health Department. See Attached.

No comments were received from US Army Corp of Engineers, SHA or Delmarva Power.

Tony Di Giacomo read the comments of CC P&Z. This proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: SR

Density: The SR zone permits a maximum base density of 1 du/ 1 ac. The Concept Plat⁹, proposing 22 lots plus remaining lands and 33.80 acres of common open space on 128.15 acres, for a proposed density of 1/5.57, was approved on 2/21/06, conditioned on:

⁹ A Concept Plat for the Lands of Josephine M. Boettcher was approved on 9/21/98 at a density of 1/2.65 (77 lots on 204.32 acres with 44.02 acres of common open space). **Subsequently known as Forest Knoll**, Section I (Lots 8-22, and 9.089 acres of common open space) received Final Plat approval on 1/18/00, and was signed on 5/4/00.

Forest Knoll Section II received Final Plat approval on 6/17/02, and the Record Plats were signed on 1/3/03 (Lots 23-32 & 47-53) and 12/9/03 (Lots 33-46).

The original Boettcher Concept Plat, approved on 9/21/98, has expired; therefore, its potential density implications are moot.⁹

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
and
- 3) All common open space being labeled and referred to as such.

A similar Preliminary Plat was disapproved on 4/17/06, due to:

- 1) No documentation being received relative to the JD;
- 2) The need to eliminate the disturbance to the perennial stream buffer caused by the satellite septic reserve areas;
- 3) The need to properly show the Chesapeake Bay Critical Area buffer in the "overall boundary" insert;
- 4) The Common Open Space sensitive areas thresholds being stated correctly; and
- 5) Common Open Space being consistently referred to as such.

This Preliminary Plat is generally consistent with the approved Concept Plat, except that only 21 lots plus remaining lands are now proposed, with a new, lower density of 1/5.825. In addition, the proposed common open space acreage has been reduced to 31.82 acres.

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.¹⁰ Steep slopes have been depicted.

Stream and wetland buffers 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. What is the status of the JD? Morgan said he had submitted a document when they went to PC and it has a signature block showing approval. Documentation of its completion must be submitted prior to Preliminary Plat review by the Planning Commission and Di Giacomo will check to see if he has a copy.¹¹

15% common open space is required; 24.83% is proposed. If the isolated polygon between the satellite septic panhandles and the cul-de-sac island are proposed to be common open space, then they must be so labeled.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds calculation has now been included in General Note # 11.

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

Sidewalks are recommended on one side of all internal roads.

Although the original Boettcher Concept Plat's validity has now expired, the Section II recordations left a remaining common open space balance due of 27.516 acres. Since this Concept Plat for the remainder of the property now proposes 33.80 acres of common open space, the remaining common open space balance due issue is also moot – assuming approval by the Planning Commission.

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

¹¹ 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 or the large lot, a **JD** need not be done.

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

The Forest Stand Delineation (FSD) was approved on 1/13/06. There are no habitats of rare, threatened, and endangered species.

The PFCP was approved on 3/31/06. The FRAs shown on the plat do not match those shown on the approved PFCP.

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The road names "Creekview Drive" and "Meadowlark Spur" 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.

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 nuances of a possible project at Manx was discussed and the necessity of a Bufferyard A requirement for this project.

The "Overall Boundary" graphic continues to exhibit confusion with respect to the 110' Critical Area Buffer with the 1000' Critical Area Boundary. The buffer, unless expanded, is the first 110' from the shoreline, not that last 110' from the shoreline. Considering the number of times this comment has been made, and considering that the same error contributed to the 4/17/06 disapproval, this must be corrected prior to any subsequent submission to the Planning Commission.

The Critical Area designation (LDA) has been included in the "Overall Boundary" graphic.¹²

Given that the satellite septic areas' stream crossing contributed to the 4/17/06 disapproval, why have those stream crossings again been proposed, and how does that proposal square with §174.1.a of the Zoning Ordinance? Morgan said there was absolutely no disturbance given the directional flow. TD asked if the Health Department had a problem and Joe Moore said no. Di Giacomo said he will be looking for the documentation and it can be submitted with the remaining items to the PC for their

¹² Even though the remaining lands are not proposed to be developed at this time, the Critical Area designation and limits must be shown on the plat.

review prior to going back to PC. Morgan said they are proposing 6' below the stream bed to prevent any fracturing.

The Lot Area Table included on sheet 2 and the Development Data Note 6, together, satisfy the requirements of §4.1.22 (r).

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

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Elk Neck	North East	North East
FTE	460	851	1151
Capacity	514	721	1104
% Utilization	89%	118%	104%

- 6) **Lands of Harrison, John R.**, 1 Lot, Preliminary Final Plat, Mechanics Valley Rd., Coastal Land Surveying, Inc., Fifth Election District

Shane Granger appeared and provided an overview of the project. The purpose of this subdivision plat is to activate it as a building lot.

Mark Woodhull, CCDPW, said 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.

Note 6 references an approved SWM Plan for this site. This approval, under the previous SWM Ordinance, expired December 31, 2004 in accordance with the Cecil county Code Section 258-58. Therefore a SWM plan addressing Lot 1 must be submitted.

The Department cannot recommend final plat approval at this time however we do recommend preliminary plat approval.

Do you intend to access this lot from Flint Drive? Granger said yes. If so a roads & storm drain plan addressing all entrance work within the County ROW must be approved before applying for final plat approval. The entrance work must be done in accordance with the Road Code and a PWA will be required for that portion of road work only.

Where do you intend to connect to the county sewer main? Granger said on Flint Drive. If the proposed connection involves more than a normal service connection a sanitary sewer plan for the work within the county ROW must be approved before applying for final plat approval. A PWA for work within the ROW will be required.

Who will own and maintain the existing SWM pond located on Lot 1? Granger said it will be the homeowner. All existing lots served by this SWM pond must be assured of the continued right to use this facility to meet SWM requirements. Deed language should be identified for the 4 lots on Flint Drive. Whoever drains to that pond will need to be addressed in the deed language.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 7.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.

- 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Requirements for Utility relocations.
- 7.4 Requirements for Public Works Agreements.
- 7.5 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Chris Brown, SCS, read the comments and provided soil maps and reports to applicant.

Bob Markwardt, CCBoE, asked if this is commercial. Granger said commercial. No further comments.

James Kyte, (Fire Chief Representative), said they should contact the local fire company.

Cynthia Latham, MDE, will require a water appropriation permit.

Joe Moore, CC Department of Health, read the comments of the Health Department. See Attached. Moore said gravity flow cannot be shown and is moot.

No comments were received from US Army Corp of Engineers, or Delmarva Power.

Tony Di Giacomo read the comments of the SHA. See attached.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: BG

Density: The Zoning Ordinance sets no density for the BG zone, per se. Each lot must be of sufficient size to accommodate a structure, given the constraints of the required building setbacks.

If this non-residential subdivision lots is approved, then the developer still must submit a site plan and have said site plan approved before building permit applications can be processed.

This proposed lot was shown as “remainder,” or remaining lands on the subdivision that was approved on 10/16/00. The Record Plat was signed on 11/14/00.

The purpose of this “subdivision” is to activate the remaining lands from the previously-approved subdivision as a building lot. Inasmuch as this proposed lot comes from that same parcel, it must, therefore, be numbered Lot 4 rather than Lot 1.

§171.4 of the Zoning Ordinance stipulates that: “For newly created business or industrial lots where said lots share ingress and egress with other business or industrial uses at approved access points onto County and State maintained roads. [sic] Said access points shall serve a maximum of three (3) lots. Appropriate legal instruments shall be recorded that provide for the shared ingress and egress. Road Code Waiver required.”

If approved, this would be the 4th lot on the private road. Therefore, a portion of the private road will need to be added to Lot 1 so that it has frontage on Flint Drive – a public road.

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots although concerns of DPW trumps this section.

Has a boundary line survey been done? Granger said it has.

The aforementioned Record Plat shows the acreage of the remaining lands to be 9.09 acres. This submission shows the proposed Lot 4 to be 9.89 acres. What accounts for this discrepancy? Granger said he does not know. TD said that must be resolved prior to going to PC.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹³

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

Stream and wetland buffers 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 any site plan approval.¹⁴

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

No common open space is required.

¹³ The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

¹⁴ 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 or the large lot, a **JD** need not be done.

At least 25% landscaping of the development envelope is required in the BG zone. The specific Landscape Plan, including street trees, can be addressed when a site plan is submitted.

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.

Neither an FSD nor an FCP have been submitted. A forest retention area, however, currently exists on the site because the parcel has been used to provide off-site forest retention for two other projects (FCP #264 and FCP # 366). The metes and bounds of the forest retention area shown on the plat do not match those shown on the approved FCPs. What accounts for those discrepancies? Granger said he will adjust prior to going to PC.

The Forest Stand Delineation (FSD) and FCP must be approved prior to Planning Commission review of the Preliminary-Final Plat (§5.1.C, §6.3.B(1)(a), Forest Conservation Regulations).

The Landscape Plan must be approved prior to site plan approval.

A Landscape Agreement must be executed prior to 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, with the metes and bounds description of the FRA being shown on the Preliminary-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 community sewerage system is in conformance with the Master Water and Sewer Plan.

The Master Water and Sewer Plan classifies this site as W1 and S1. Why is a well being proposed as the water source rather than hook-up to public water? Granger said all the surrounding properties have private wells and this is for the sake of consistency. Moore said they are asking for approval from the Town of North East to do this.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to any lot(s)¹⁵ offered for sale.

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

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

- 7) **Lands of H. Barry Montgomery & Walter L. Ragan, Jr.**, 16 Lots, Concept Plat, Maryland Route 274, Coastal Land Surveying, Inc., Fifth Election District

¹⁵ Note # 2 raises the spectre of additional subdivision.

Tim Granger, H. Barry Montgomery and Robert Bloomquist appeared and provided an overview of the project.

Mark Woodhull, CCDPW, said 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. 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. All easements for the water lines must be reflected on the final plat.

This project is not located within a public water and public sewer service district in the Cecil County Master Water and Sewer Plan (MWSP). An amendment to the Cecil County MWSP will be required. If the Developer proceeds with engineering submittals to the Department of Public Works, before obtaining the required amendments to the MWSP, the Developer does so at their own risk.

A SWM plan, Road & Storm Drain plan, a Sanitary Sewer System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.

Based upon the current permitted WWTP capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval, concept through final, no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at his own risk.

The internal street must be designed as a closed section road in accordance with Section 2.07 of the Road Code.

In high density developments like this with closed section road the Department is looking to expand the pavement width to 30' within the 50' ROW in order to address concerns for emergency vehicle access. Why is the proposed street terminated in a temporary tee turnaround? Montgomery said that has been normal procedure when there was potential for future development. Woodhull said this development is outside the growth corridor therefore the DPW considers a temporary Tee turnaround inappropriate and would require that the street terminate in a cul de sac. Any future development of the church property requesting access to the street could easily modify the cul de sac which is something that the county approved for Oldfield at Raven's Glen. As presented, the only gain in the use of a temporary tee turnaround versus a cul de sac is the addition of two lots which it appears are 7 and 8. This gain comes at the expense of the ease of maneuverability of emergency services vehicles as well as those of DPW. We have no idea how long it would take the church to consider development, unless you are aware of something they have in mind. Montgomery said they met with a couple staff people of DPW along with Tony Di Giacomo three or four weeks ago and they agreed with this plan and that is why we have it on here this way. There was additional discussion regarding the tee turnaround vs cul de sac design. Montgomery said he is getting two different views from DPW and wants to know which one he is supposed to follow. Montgomery stated they are at DPW's beck and call, but they need to know what to do. Woodhull stated his statements were coming from the Chief of Development Services, Tim Whittie. Montgomery stated that he needs to decide on the size of the cul de sacs. Woodhull stated that right now the Road Code calls them out and that's what we would call as a requirement here for a minor road, albeit it would be the minor road cul de sac bulb. Woodhull said they would be glad to meet with them prior to them doing engineering. He continued that if this was in the development corridor or if this was on the other side of 95, and we

had some reason to believe that 7 acres might be developed in the not to distant future, we could look at a tee. We are looking to avoid being stuck with a temporary tee turnaround for the long term.

What is the proposed disposition of the pond/wetlands on 13-16 and field drain piping on site? Montgomery said as is. The Department has concerns about the impact of this pond's drainage on houses proposed for Lots 12 & 13. Montgomery said they met onsite with Army CoE and their consultant and he had no issue of them taking the pipe to the rear of lot 11 and 12 and may or may not dump into the stormwater management facility. Woodhull said his concern was not so much the SWM impact, but rather the impact on the residents on lots 12 & 13. Montgomery said they had an onsite meeting with Phil, Army Corp of Engineers and he had no issue with us relocating that pipe to the rear of lot 13, so it takes it out of the center of the lots. It will be moved to the rear of lot 12 and 13. It may or may not go through the pond. Woodhull said any offsite areas draining through your site only need be managed for conveyance. You do not need to treat them.

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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc...) on down-gradient properties so impacted must be identified on the SWM Plans.

The design for this development must satisfactorily address the off-site drainage from up-gradient properties (i.e. Lands of Heilander) currently crossing this site. Woodhull said they just want to make sure there is no adverse impact. It appears you have a well defined conveyance from your COS to the adjacent property. Look at the cross culvert across Theodore Road.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 11.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 11.2 Requirements for Utility relocations.
- 11.3 Requirements for Public Works Agreements.
- 11.4 Requirements for Stormwater Inspection and Maintenance Agreements.
- 11.5 Requirements for County Roads.
- 11.6 Requirements for Driveways.
- 11.7 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
3. A Public Works Agreement is required for the streets & storm drainage constructions.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The internal street grade leaving Maryland Route 274 may not exceed 5% within the limits of the intersection right-of-way.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased

these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

7. Applicant must provide stopping sight distance measurements for the Maryland Route 274 access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Chris Brown, SCS, read comments. Soil maps and reports were provided to applicant. Check over your soils as they do not appear to be correctly shown. According to site map, it appears you are on two different parcels.

Bob Markwardt, CCBoE, no internal bus service will be provided. Students may have to cross the road. He asked for size of the homes in square feet and projected start date. Montgomery said 3-4 bedroom houses and approximately 3-4 years.

James Kyte, (Fire Chief Representative), said he agrees with DPW about the tee turnaround. There is not enough room to turn around. Also, you need 3-4 off street parking spaces per home and will need no parking signs on both sides of the street. Hydrant placement needs to be determined by North East Volunteer Fire Department.

Cynthia Latham, MDE, no permit is required if you are using public water.

Joe Moore, CC Department of Health, read the comments of the Health Department. See attached.

No comments were received by US Army Corp of Engineers or Delmarva Power.

Tony Di Giacomo read the comments of SHA. See attached.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: SR

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities.

This Concept Plat proposes 12 major subdivision lots on 7 acres, for a proposed density of 1.714/1. However, since all of those 7 acres are not zoned SR, and since the BL acreage is not provided, the actual proposed density is something other than 1.714/1.

Apparently the remaining minor subdivision potential of Parcel 295 is being used to invoke the density provisions of §2.4.1. The "General Notes" must be revised to reflect the proposed major subdivision density and the fact that the density provisions of §2.4.1 are being invoked.

The deed reference for Parcel 295 has been provided, but the deed reference for Parcel 525 has not. In addition, Parcel 525 has not been included in the "Site Data." Why? Just an error of omission.

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

Minor Subdivisions 1205, 1255, 1384, and 3590 must be referenced on the plat.

It is unclear why a signature block has been included on a Concept Plat, but signature blocks must be placed in the lower left-hand corner of Final Plats.

Note # 1 under “General Notes” has several problems. The required 50’ setback from an arterial roadway has not been included among the SR zone setbacks. A 50’ setback from MD 274 has been drawn on the plat, however. The BL zone setbacks are included, but the proposal is inconsistent with what is permitted in the BL zone.

Per §69, a single family detached dwelling is permitted in the BL zone “provided that the dwelling is for the owner, operator, or employees of an on-site business.”

The applicant is advised that the Planning Commission cannot approve a Concept Plat that proposes a use that is in conflict with the Zoning Ordinance. Therefore, it is incumbent upon the applicant to secure an amendment to that Ordinance, changing the portion of Parcel 295 that is currently zoned BL to SR prior to the Planning Commission’s review of any Concept Plat that proposes detached dwellings in the BL-zoned portion of the site.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁶

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 all non-tidal wetlands and intermittent streams present. A significant portion of proposed Lots 14-16 consists of wetlands. A wetlands buffer has been labeled, however, given the abundance of contour lines drawn on the plat, it is impossible to follow.

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.¹⁷

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

!5% common open space is required; 15% is proposed. The common open space must be clearly labeled on the plat.

¹⁶ The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

¹⁷ 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 or the large lot, a **JD** need not be done.

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

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

Sidewalks are recommended on at least one side of the proposed unnamed road.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 274 and Theodore Road.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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 (§5.1.C, Cecil County Forest Conservation Regulations).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

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.

In terms of layout, what is the rationale for stubbing the proposed unnamed road to the church property rather than providing additional access to Theodore Road? Montgomery said because there is a major stream crossing and major issues with doing that. There was discussion of stub roads and cul de sac bulbs and how that might fit with future development potential of adjacent properties. Montgomery will speak with the church and see if there is something different that can be done. TD said they need to label the unnamed road. Should you change the entrance be reminded of the 175' distance.

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

The Master Water and Sewer Plan classifies this site as W1, W3 and a portion as S1. The Master Water and Sewer Plan must be amended to include the balance of this site prior to the Planning Commission's review of the Final Plat.

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

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

Hydrant locations must be done with the local Fire Department prior to PC review of the Final Plat.

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

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

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

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Bay View	North East	North East
FTE	490	851	1151
Capacity	556	721	1104
% Utilization	86%	118%	104%

Tony Di Giacomo called a 45 minute lunch break at noon.

Tony Di Giacomo reconvened the meeting at 1:00 p.m.

- 8) **Villages of Herron Lake**, Parcel 1, 3, 6, 7, 8, 9, Preliminary Plat, Zeitler & Blueball Roads, Taylor Wiseman Taylor, Third Election District

Michael Pugh, David Meiskin, and Bob McAnally appeared and provided an overview of the project. Pugh said two versions, a large and a small version, have been submitted, both as preliminary plats. Our preference would be to have the entire preliminary plat, but based on comments, we want to at least have a fall back that had been reviewed and then after this meeting we will talk about what we discovered on all of these and make a decision on how to move forward. Clean up on the site is continuing. We will progress toward final plat as the clean up progresses. There was an amendment

to the County Master Water and Sewer Plan to provide water and waste water treatment to cover this project. Woodhull asked if that was the W3 S3. Applicant said it was approval of the system on the site, not the movement of the designation. Di Giacomo said the designations are a best guess other than the W1S1. The important thing is it is in the plan. Discussion ensued regarding upgrading the timeline of the designation. Di Giacomo said since the 2004 revision, TAC has not said the designations need to be changed.

Mark Woodhull, CCDPW, said a SWM plan, Road & Storm Drain plan, a Water Treatment and Distribution system plan, a Sewer Collection and Treatment System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The water and sewer system design must be submitted to the Department of Public Works and be approvable as to design by the Department prior to submittal for Final Plat Approval.

This project is located within a 'W-3' public water and 'S-3' public sewer service district in the Cecil County Master Water and Sewer Plan (MWSP). Who is proposed to own and operate the water and sewer system in this development – the notes indicate the sewer collection and water distribution system is to be public but the treatment facilities are to be a community or private shared system. Have you secured approval from the Director of Public Works for this proposal?

The water distribution system including fire hydrant locations shall be designed to meet or exceed the County's standards. The applicant is responsible for securing review of the hydrant locations by the serving fire company. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat. Water & sewer lines must be extended to the ends of Randolph Drive & Edinburgh Road. The water line stub must be terminated with a cap & blow off (standard W-8) and the sewer must end in a terminal manhole (standard S-9).

Please validate your parking rationale for the townhouse sections. For the standard 20' x 40' townhouse units, a layout problem is obvious. McAnally said they have a blow up of the townhome on sheet #11, the construction detail sheet. Woodhull said this does not comply with the townhouse roads. McAnally said they had spoken about this with Woodhull and John Curtis and the townhouse roads with perpendicular parking would be where you have parking off the townhouse road. Woodhull said there is not a place to locate the clean outs for the sewer line and the valve box for the water line without having them in someone's driveway. This may also apply to the 22' x 55' units. If your minimum proposed setback from an interior roadway is 20', and the driveway width is less than 18', given the setback and location requirements for all public water and sewer service locations, your parking proposal of 2 units per lot on an on-lot driveway is faulty and must be revisited. Site layout revision may be required in order for you to validate your proposal of two (2) on lot parking spaces being available for the townhome sections. As well, see Cecil County Road Code details R-3 and R-5 which directs a 29' minimum setback if perpendicular parking is used (which is proposed). Revise and resubmit as necessary to resolve this application discrepancy. McAnally said they are proposing to put the clean outs and water service clean outs in the grass strips between the units on either side of the driveway. McAnally said this is not parking for the townhomes. Woodhull said there are different roadway widths between the lots and it is unclear why. Our concern is that there be adequate parking. McAnally said there is adequate parking. Woodhull suggested a meeting to go over the issue. Pugh wanted to know if adequate was different from the minimum requirement in the code. Di Giacomo said DPW's concerns are that based upon the problems that have been heard from some townhouse communities: it appears the minimum prescribed may not be adequate, (e.g. Persimmon Creek). Pugh asked if the other projects had 3 spaces per unit. Again, he asked for what guidance they should be looking at for "adequate" parking. Woodhull recommended getting back together to resolve the issues of parking and utilities and not leave this for later determination. Pugh

said if it is not in the code, is what we have shown here adequate to meet the code. If we have three spaces per unit and additional parking spaces, is this adequate or not adequate or are you saying we have to meet and talk about it. Woodhull said they need to talk about it. Di Giacomo said a meeting would be beneficial. Meiskin asked for the code requirements for number of spaces. McAnally said it is a minimum of two for a two bedroom unit, but what Mr. Di Giacomo is telling us is they are going to revise the code because it is not sufficient. Di Giacomo said he does not know that this will happen, or happen anytime soon, as there are not a lot of townhome communities in the county, but there are some, and we recognize it is an issue. Woodhull said the comment to validate the parking would be for both sections. Meiskin asked what they are supposed to do on these plans. McAnally said on these plans, what the fundamental discussion is right now is the ten foot strip between the unit and the driveway. If you have a garage on the unit, and you pave all the way to the unit and you do not have the ten foot wide grass strip that is shown for perpendicular parking. The County detail was for the overflow parking spaces and park of the parking spaces are in the ROW as measured on the County detail, but the County detail does not go as far as to show a detail for a driveway. Our driveways start beyond the ROW line. Woodhull recommended again that they get back together for a meeting to completely resolve the issue regarding the driveway and the perpendicular parking. Pugh said they are trying to get forward progress and if it is not in the code and it is something that is under discussion, it is hard to know when you are reached the point where you believe it is adequate. He again said is what we have shown here on the larger preliminary plat adequate and is it adequate on the smaller section. Woodhull said again his comments refer to both submittals. Meiskin asked when they were thinking to do the meeting to resolve the issue. Woodhull said he would tell Whittie and let him know it needs to be set up. Meiskin said unless he is misunderstanding the conversation, they have plenty of parking spaces, it is now a configuration issue. Woodhull said he is not sure there are enough spaces. There are according to the code now, but we have had experience of Planning Commission concerns about off street parking, e.g. Persimmon Creek. Woodhull said according to subdivision regulations, there is adequate parking, but we have experienced problems in areas that have had adequate parking. Meiskin further stated he does not feel this will be a simple conversation and he has a lousy feeling they will have the meeting and it will be people wanting to think and discuss and he doubts it will be resolved in a meeting. He further asked if they can leave the configuration as an issue to be dealt with in the final plans for the section. This may be protracted and protracted does not work for me in this case. I understand the question and have no problem addressing it, but since it meets the code, we want to be able to continue going forward. Pugh said what they fear is not having resolution with DPW and having PC disapprove, even though it meets code. Woodhull said the meeting should happen prior to going to Planning Commission so they can at least say they are progressing toward a resolution and it could be part of a condition of approval.

Provide a typical townhouse plan detailing the proposed parking as well as water, sewer, electric, & telephone line connection locations. Along this same line discuss why the roads in parcels 1 & 3 are not standard R-5 as used in parcels 7 & 8? This was previously discussed.

A Road Code Variance to standard R-14 has been approved for Jason's Court, Michaelson's Drive, and Chester Court cul-de-sac. A variance was also granted for the proposed private roads on parcel . The applicant's engineer has corrected some of the roadway system geometric deficiencies that were present on the preliminary plat submitted for TAC review in February of 2006; however, there are still geometric and Road Code compliance issues present on this preliminary plat. This deals with the 175' setback requirements from intersections, particularly townhouse 120, 25, 24 in parcel 7 & 8 and units 54, 55, 48 in parcel 3. All other issues with stopping distances and site line easements are covered. McAnally said these driveways for 24 and 25 are not outside the intersection because they are on the through road. Woodhull said this can be discussed at the meeting. The applicant's professional engineer is required to produce a road system layout that complies with the Cecil County

Road Code or obtain a variance to the requirements of the same. Portions of the layout shown in non-compliance with the Road Code are as follows:

- 1.1. Minimum residential driveway setback of 75' required from intersections per Section 3.08 of the Road Code- numerous lots, townhome and single family, are non-compliant with this requirement.
- 1.2. Devonshire Drive (Section 3.04)
- 1.3. Hastings Drive (Section 3.04)
- 1.4. Hedley Drive (Section 3.04)
- 1.5. Goodrow Terrace (Section 3.04)
- 1.6. Lancaster Drive (Section 3.04)
- 1.7. Wellington Terrace (Section 3.04)
- 1.8. Samantha's Court (Section 3.04)
- 1.9. The private Road serving townhome units 48-85 (Section 3.04)
- 1.10. Jason's Court, Michaelson's Drive, Samantha's Court, and Chester Court cul-de-sac - see minimum required paved radius dimension and/or right-of-way dimension in cul-de-sac standard R-14.

Locations of horizontal roadway geometry are shown where clear line of sight easements will be proposed and/or required. No approval for these areas has been granted by the Department at this time. If the applicant cannot obtain approval for these alignments from the Department of Public Works, the street layout must be revised to meet the Cecil County Road Code. For these areas, inner lane widening, and possibly right-of-way widening is required and shall be shown on any street construction drawings submitted for review. For these areas, the clear line of sight easement shall be shown on final plat submitted for review or recordation, and shall include a note indicating that no obstructions blocking the clear line of sight are permitted within the clear line of sight easements shown. The note shall also indicate that site grading within the clear line of sight easement shall conform to the approved final grading plan(s) on file in the Cecil County Department of Public Works. The applicant's engineer is required to compute and align the inner lane widening for specific horizontal curves approvable to the Department in accordance with a standard acceptable to the Department.

Griffin Drive from the commercial site access to Zeitler Road shall be designed to meet the County Minor Collector Industrial/Commercial Road standard R-9.

Edinburgh Road & Randolph Drive must be terminated in a temporary tee turnaround meeting standard R-18.

Are you proposing a SWM facility on the NW corner of the Randolph Drive/Zeitler Road intersection? If so identify it on the plat.

If the Randolph Drive crossing will be a bridge or bottomless arch structure, the design approach and selection process shall be accomplished with pre-design input from the Department of Public Works. As well, any Zeitler Road bridge improvements shall be treated in a similar manner, with Departmental input being sought by the applicant's engineer prior to making any design submittals or permit applications for the same.

Randolph Drive shall be constructed as a minor collector road from Zeitler Road to Wellington Terrace, approximately 350 linear feet.

The storm drain section from Cornwall Terrace that divides townhome lots 43 & 44 should be moved to a location between lots 37 & 38 where additional setback distances to primary structures can be maximized for the public stormdrain system.

Show anticipated street grades as required under subdivision regulation 4.1.22(M) for preliminary plats.

(February 2006 TAC comment) The proper private parking area easements for the townhome sections are required to be shown on the preliminary and final plats. The standard detail will not singulary suffice, show and label the easements in plan view.

Where is the required Maryland registered surveyor's seal?

Permanent Stormwater Management facilities are not permitted within the stream buffer pursuant to Article IX, Section 174 of the Zoning Ordinance.

Are waivers requested for the no-disturbance stream buffer road crossings shown?

Additional offstreet parking is recommended for the townhome sections shown. This will be discussed in our meeting.

The applicant must investigate and report upon the Conowingo right-of-way shown. Specifically, the applicant must confirm Conowingo's right-of-way and easement dedication conditions for construction/reconstruction of the internal county road (Zeitler Road) as well as Conowingo's approval for the Developer to reconstruct and the County to own a public road over the transmission company right-of-way before final plat submittal to the planning commission. It is recommended that the Applicant obtain this information prior to preliminary plat approval by the planning commission, so as to avoid any costly site re-design that might be necessitated by a refusal from the transmission company. Meiskin said the company is looking for a final plat and then they will give something in writing so he is caught in the middle. Meiskin will get a copy of the deed to Woodhull.

Why is Marley Road shown as a 60' right-of-way with 36' paved travel way? This is not the existing condition to the Department's knowledge.

It is anticipated that the applicant will be required to improve the Marley Road intersections with Deaver and Nottingham Roads. The Deaver Road intersection may require substantial re-alignment to create a Deaver Road stop and intersection condition.

The applicant has submitted a Protocol 2 Road Condition Survey of Marley Road per the November 2005 TAC and Planning Commission hearing requirements. The requirement to survey Zietler Road was withdrawn by the Department due to the nature of the proposed road improvements identified by the applicant. The extent of the survey covered the entirety of Zeitler Road, and for Marley Road from the site to Pulaski Highway. Zeitler Road must be built to major collector road standard R-8 and Marley Road must be improved to a Major Collector Road equivalency in road cross section and safe ability to handle the additional traffic loading generated by this development. The Marley Road improvements shall include the Nottingham Road intersection, which shall be improved on the Nottingham Road segment at least 100' in either direction to a minor collector road standard R-7 equivalency, and significant geometric improvement to the Deaver and Marley Road intersection. The applicant will be responsible for obtaining any and all right-of-way with acquisition being solely at the applicant's expense. The Department does not consider offsite road access as adequate under

2.7.1 of the subdivision regulations without these requirements being met. What we have seen so far has been quite acceptable. McAnally said they have done a traffic study and are proceeding according to that. This survey information was required prior to submittal for TAC review of preliminary plat. The applicant's submittals to date are not fully responsive to the previously identified requirements and are under review by the Department at this time. In lieu of submitting an acceptable offsite road condition survey and initial improvements proposal, the Department will propose that planning commission condition the approval of any preliminary plat on the applicant being required to upgrade Marley Road from the site to Pulaski Highway to a major Collector Road standard R-8. The offsite road condition survey and initial road improvement submittal has not been received by the Department of Public Works and the applicant is instructed to submit and obtain Departmental approval of the same before submitting a preliminary plat for planning commission review.

Given the phasing proposed along with the current requirements to upgrade Zeiter Road to a non-100-year floodplain roadway, the Marley Road interconnection and any associated offsite improvements must be designed, rights-of-way approved, construction guaranteed, and included in the public works agreement for phase four. The timing and schedule for the Marley Road and offsite county road improvements shall be established and approved by the Department prior to final plat approval for phase one. Currently the Department believes that the the Marley Road improvements will be complete before any permits will be issued beyond those for Parcels 1, 2, & 3. Woodhull said this must be complete prior to permits being issued. Woodhull pointed out on the plan and walked through what would have to be completed before building permitting for construction. Meiskin questioned what complete means and if that means base as opposed to topping and what he requests is that instead of it being no permits issued beyond three, building permits can be issued, but we cannot get COs because there is going to be a time when the job must stop. He voiced his concerns about having to have the job stop to meet the requirements. Pugh asked if there was a Public Works agreement on Marley Road, would that suffice? Woodhull stated no, but this can also be discussed at the meeting. Meiskin said he is fine with started... but wants a tigger beyond that. Meiskin said he is fine with discussing that at the meeting.

Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval, and a remapping of the 100-year flood plain and a crossing hydraulic analysis are required. The applicant is responsible to have their engineer prepare and submit these designs and analyses.

A TIS has been submitted for this project and was logged for review on January 23, 2006. The TIS has been reviewed and the Department has several questions/comments. Why can't the warrant analysis for Marley Road/MD Route 40 intersection be done now for build-out traffic loading? If you believe that a decision can't be reliably determined now, please explain why. The Department doesn't agree with the assumption that none of the outside trips generated by the retail operation will impact Marley Road.

The applicant is responsible to have a Maryland Registered Professional Engineer update the Elk Creek and Laurel Run 100-year flood zone mapping. Zeitler Road and the Zeitler Road Bridge must be shown to be above the 100-year flood elevation in their proposed form and if improvements are required to meet this requirement, the applicant/developer is responsible for the engineering, right-of-way acquisition, and costs associated with the same. Submit the hydraulic and hydrology calculations and mapping to the Department for review.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s).

Public Stormdrainage easements must be separated from private stormwater management and access easements.

All lots must access the least major available road frontage. The final plat must depict the areas of denied access graphically.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 34.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 34.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 34.3 Requirements for Utility relocations.
- 34.4 Requirements for Public Works Agreements.
- 34.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 34.6 Requirements for County Roads.
- 34.7 Requirements for Driveways.
- 34.8 Requirements for Final Plat - Public Water and Sewer Allocation.
- 34.9 Requirements for Sewer Service Cleanouts – Location.
- 34.10 Requirements for Stopping Sight Distance Measurements.
- 34.11 Townhouse Parking Areas & H.O.A. Maintenance Easement Notes.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Final Plat:* “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
 - c. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grades leaving Zeitler and Marley Roads may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

8. If a County-owned and maintained public water & sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
10. Applicant must provide stopping sight distance measurements for the Marley Road access to DPW prior to preliminary plat submittal. Mark the proposed Marley Road entrance location in the field by a survey stake or paint.
11. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

Chris Brown, SCS, read comments. Soil maps and reports were provided to applicant.

Bob Markwardt, CCBoE, said it is still their intent to provide bus service on Zeitler Road. They will need to enter the property and then they will need turnaround points as they progress in. They will need a waiver and make sure the roads are maintained and they have access, plowed and sanded and salted in the wintertime.

Cynthia Latham, MDE, has received application # 2005-S020 application and has sent requirements to applicant and consultant.

Joe Moore, CC Department of Health, read the comments of the Health Department. See attached. Cynthia Latham said there may be additional permits required and that a temporary number has been issued.

Tony Di Giacomo read comments from James Kyte, Fire Chief's representative. All streets should be a minimum of 22' of blacktop and all streets under 30' to have no parking signs put on both sides of the streets. All streets under 38' wide to have no parking signs put on one side of the street. He would like the builder to install the signs as soon as possible. All cul-de-sacs should be a minimum of 100' in diameter of blacktop across. If parking is permitted in the cul-de-sac, then 120' of blacktop is needed across. A center isle is okay as long as the street going around the isle is consistent with the no parking signs listed above. All fire hydrant placement to be determined by the serving fire company. Internal street name signs should be installed while under construction so emergency equipment can find their way during construction. Additionally, he would like 4 spaces of off street parking per home.

Tony Di Giacomo read comments from SHA. See attached. Meiskin and McAnally said they had staked and painted the entry when they were asked to do so.

No comments were received from US Army Corp of Engineers or Delmarva Power.

Tony Di Giacomo read the comments of CC P&Z. This proposal is in compliance with §3.8 of the Subdivision Regulations.

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

Zoning: BG, M2 & RM

The Concept Plat, proposing 1,465 dwelling units on 373.8 acres, for a proposed density of 3.92/1 was approved on 11/21/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 2) All issues associated with the boundaries of the M2 area being satisfactorily resolved verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 3) Documentation of the completed JD being received prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 5) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 6;
- 6) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 & 6;
- 7) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 8) The name of the water company providing the water being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 9) The Preliminary Plat or Preliminary Plat/Site Plans documenting that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers;
- 10) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 6;
- 11) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission for Phases 2 and 6;
- 12) Note # 11 deleting reference to alleys;
- 13) A Traffic Impact Study being completed prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 14) The "Land Use Summary" taking into account that the common overflow parking areas cannot be included in the open space total acreage;
- 15) The 100-year floodplain boundaries being labeled and verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 16) All data and information being reconciled between the plat and the "Land Use Summary;"
- 17) All proposed areas of common open space being shaded prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 18) Any Preliminary Plat/Site Plan review for Phases 2 & 6 clearly demonstrating consistency with §277;
- 19) Fire hydrant locations being selected in consultation with the Department of Public Works and the Singerly Fire Company prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 20) A complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission; and
- 21) The Preliminary Plat reflecting strict compliance with §7.2.12.E.4.

Condition # 2 required the satisfactory resolution of the M2 boundary prior to Preliminary plat or Preliminary Plat/Site Plan review. A letter outlining the discrepancies between the incorrect tax and zoning maps and the correct information obtained from the boundary line survey has been sent by the

applicant to the Zoning Administrator. Therefore, condition # 2 of Concept Plat approval has been satisfied.

Note # 19 indicates that separate site plans will be required for the proposed:

- Recreation center;
- Parcel 10 commercial retail space;
- Potable water treatment plant; and
- Wastewater treatment plat.

In terms of phasing, the recreation center site plan would need to be approved prior to Parcel 6's Final Plat review by the Planning Commission. Since the development of all parcels will be dependent upon the potable water and wastewater treatment plants, and, pursuant to §4.2.13 (u), the Planning Commission cannot approve lots for which such planned facilities have not received all necessary approvals, those site plans must be approved prior to the Planning Commission's review of any Final Plat for any of the respective parcels, except for Parcels 2, 4, and 10. For Parcels 2 and 4, the potable water and wastewater treatment plants' site plans must precede condominium Preliminary Plat/Site Plan approval, and those approvals must precede Parcel 10's site plan approval.

Note # 20 serves to confirm that Parcels 2 and 4 are to be condominiums, and, therefore, will require Preliminary Plat/Site Plan approvals, consistent with established process precedent for condominiums.

§4.1.22 requires Preliminary Plats to be drawn at 100-scale. Sheet 9 of 11 is drawn at 200-scale.

Condition # 20 of Concept Plat approval required that a complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission. That does not appear to have been included or noted in this updated Preliminary Plat TAC submission. Once that is done, the Preliminary Plat can be resubmitted for TAC review. Pugh asked if once they include the schedule or letter or outcome, we put that on the preliminary plat and then we can move forward. Di Giacomo answered affirmatively.

A previously-submitted document requested a waiver under §'s 174.1(b) (2) and 174.2(b) (1) for proposed road crossings. Has any analytic or quantitative documentation been provided that actually demonstrates that the disturbance would be minimized? McAnally said there are no computations or details submitted at this point on that. When the final construction plans are done we will have all that data.

That same document also requested a variance under §240.1.a (1) to allow fill within the floodplain associated with the road crossings. It must be verified that §241.c and §243.8 do not also apply in this case. If the disturbances would be minimized, as suggested under the §'s 174.1(b) (2) and 174.2(b) (1) waiver requests, then why would a variance for fill be necessary? McAnally said the length of Zeitler Road that needs to be lifted up above the flood plain is about 1000' long and will be more than 600 yards of fill and must meet the county road standard and theoretically you could use a smaller road section, but it wouldn't be the county road section. He continued that these are subjective terms.

Of note:

Sheet 3 of 11 shows that a portion of the proposed Randolph Drive is within the 100-year floodplain. portions of Zeitler Road and Randolph Drive

Sheet 8 of 11 reveals that that all of proposed Lot 156, portions of the proposed Hedley and Winthrop Drives, and portions of the proposed Lots 157, 158, and 159 are within the 100 floodplain. This design, therefore, is inconsistent with §241.e.

In a telephone conversation Mr. Meiskin mentioned that the Zeitler Road would be rebuilt and re-graded to the extent that the floodplain boundary would change. However, there is nothing on the plat to indicate that is the case.

In addition, if the aforementioned re-grading involves the placement of more than 600 cubic yards of fill in the floodplain, then a variance must be granted. Otherwise, it is prohibited, per §241.c (1). No such variance is noted on the plat. What steps have been taken in that regard (i.e., has a Variance application been filed with the Board of Appeals)? Pugh said they have not filed for a variance and asked if the variance would be prior to the final plat approval of a crossing of Zeitler Road or at what stage. We do not have all the engineering that suggests the exact extent or amount of the fill that will be required to quantify the variance at this point. Di Giacomo said that would need to occur before final plat review by the Planning Commission.

Another, separate but related problem relates to stream buffers:

- Sheet 3 of 11 demonstrates that portions of Zeitler Road and Randolph Drive and a portion of Phase6/Parcel 6's proposed Lot 16 are within the perennial stream buffer.
- Sheet 4 of 11 shows that portions of the proposed Alexa Court and Buckingham Drive, as well as portions of proposed Lots 80-95 in Phase 7 & 8/Parcel 7 & 8 and proposed Lots 26-30 in Phase 9/Parcel 9 to be in stream buffers. Given that BeC2 is a highly erodible soil, the stream buffer may need to be expanded into the now-proposed SWM areas.
- Sheet 5 of 11 depicts portions of proposed Lots 8-11 being partially within the stream buffer.
- Sheet 8 of 11 also reveals another, separate but related problem. Portions of the proposed Griffin and Winthrop Drives and portions of the proposed Lots 157-167 are within the perennial stream buffer.

Disturbance of the stream buffer is prohibited, per §174.1.a. Of note, as this location is within the Suburban District as defined by the Cecil County Comprehensive Plan, it is not within the power of the Planning Commission to waive the stream buffer non-disturbance requirement, pursuant to §174.1.b (1). Therefore, this design is un-approvable. McAnally said they have a letter from Vortech and the Army CoE is no longer taking jurisdiction of those. In some other areas, there is a stream buffer on a single family lot. Di Giacomo said there must be an easement of no disturbance. He additionally asked how the stream buffer is handled when the fill of Zeitler Road interferes with the stream buffer. Di Giacomo said as far as the 100 year flood plain is concerned, that effectively is not a problem, maybe. Insofar as the stream buffer is concerned, the ordinance prescribes a minimum 110' perennial stream buffer expandable in the presence of hydric soils, highly erodible soils, steep slopes, etc. to 160'. The provision of the ordinance does not countenance the scenario you just described and if it were in the development district, that would be a moot point. Given that the regulation prohibiting the disturbance does not countenance your scenario and the Planning Commission cannot waive the buffer requirement and I think we have a problem. Pugh asked if BOA would be the place to deal with this since they will need a variance from the BOA for the fill and it seems reasonable to

try that case with the BOA. Di Giacomo said he thinks this should be addressed as early as possible. Various ways of approaching resolution to the problem were discussed.

The phasing insert on Sheet 1 is now consistent with the balance of the sheet.

The submitted TIS did not reflect the fact that all proposed residential parcels, except for Parcel 1, are now shown to the west of the crossing of the Little Elk Creek. The trip distribution traffic volumes will likely shift commensurately to Marley Road. The TIS is currently under review.

At previous reviews, including the 11/2/05, 2/1/06, and 3/1/06 TAC reviews, the State Highway Administration advised that any proposed access must be staked to facilitate a field inspection to see if adequate sight distance can be obtained. That is why we, on 3/1/06, asked if all proposed entrance locations on MD 545 had been approved by SHA. Our most recent information indicates that those locations have not been approved, and that they have not yet even been staked. Therefore, this Phase 1/Parcel 1 Preliminary Plat's design includes a proposed entrance that may not be achievable. How can it be approved? If these entrances do not work, you are looking at a redesign. TAC does not review after Preliminary so you need to have as final a review as possible at Preliminary at TAC so the Planning Commission has the assurance that what they are looking at has been reviewed by TAC.

While this Preliminary Plat is consistent with Concept Plat density approval, there have been significant layout changes – which the Planning Commission may feel are inconsistent with the approved Concept plat.

Parcel 1's layout has been changed, and its density has been changed. The approved Concept Plat proposed 240 d.u.'s; this Preliminary Plat now proposes 225 (was 251) d.u.'s. Some road names have been changed. The adequacy of rear yard access issue has been addressed by adding easements. The applicant is again advised that fee-simple common open space access is far preferable.

Parcel 2 is not under consideration with this Preliminary Plat submission. However, it has been relocated from Blue Ball to west of the Zeitler Road crossing of the Little Elk Creek.¹⁸

Parcel 3 is in the same location, but its layout changes include the moving of the potable water treatment plant to the south of Zeitler Road and the number of lots has increased from 180 to 203. In addition, two previously-unnamed private roads were included. If proposed Lots 56-67 are supposed to front on Seth's Way, and Seth's Way is to be a private road (?), then a Variance will be required. The area around proposed Lots 86-109 appears to be common open space, but it is not shaded as such.

No fire hydrants are shown along the proposed Aaron's Way, Devonshire Drive, Edinburgh Road, Barkley Court, Caleb's Way, or Seth's Way. Hydrant locations must be finalized in consultation with DPW and the Singerly Fire Company.

Parcel 4 is not under consideration with this Preliminary Plat submission. However, new information is provided on sheet 1, and from that information, it is noted that layout is the essentially the same, but 468 surface parking spaces had declined to 463 and have now declined to 452, and 1188 total parking spaces had declined to 1183 and have now declined to 1172.¹⁹ In addition, Sheets 4 and 5 of

¹⁸ It continues to show 160 d.u.'s, but the design has changed slightly. It is indicated that there are 152 surface spaces; by actual count there are 154. Such basic inconsistencies must be corrected.

Unless the floodplain boundary has actually been satisfactorily tied to field topography, Parcel 2's structures may be in the floodplain – which shall not be permitted. Site Plan-level detail has not been provided for this proposed condominium component.

¹⁹ The total number of d.u.'s remains at 540.

11 provide graphics to differentiate among “open space,” “common open space,” and “condominium parcels common area.” However, on Sheet 5 of 11, for example, it is impossible to differentiate one from another, as drawn. If the owners of proposed Phase3/Parcel 3’s Lots 186-203 will not have access to the “condominium parcels common area” in Phase 4/Parcel 4, then their rear yard access issues remain unresolved.

Parcel 5 is essentially unchanged. Site Plan-level detail has not been provided, but this portion is intended to be approved through the Site Plan approval process, as cited in Note # 19. The applicant is again reminded that Parcel 5’s Site Plan must conform to all requirements in §291 and Appendix A of the Zoning Ordinance. In addition, in keeping with the proposed phasing, the Parcel 5 site plan must be approved prior to the Planning Commission’s review of the Phase6/Parcel 6 Final Plat.

Parcel 6 is in the same location. The approved Concept Plat shows 56 d.u.’s. Previous Preliminary Plats proposed 55 and then 52 d.u.’s, and this one now proposes only 38.

Parcels 7 & 8 are also in the same locations as previously. Some road names have changed. The approved Concept Plat proposed 89 townhouses for Parcel 7 and 72 single family d.u.’s; previous Preliminary Plat proposed all townhouses, with 161 total d.u.’s. and a combination with 180. This one now proposes 164, which is consistent with Sheet 4 of 11.

Parcel 9 is in the same general location, but it had increased from 13 to 24.3 acres and now to 24.81 acres. The approved Concept Plat proposed 128 townhouses. The previous Preliminary Plats proposed 76 and 79 single family detached homes; this one now proposes 95. Its layout is also significantly different from that proposed in the approved Concept Plat, and there is one unnamed road proposed on sheet 1 – which has been labeled Buckingham Drive on sheet 4. What was proposed as Winchester Drive was shown as Buckinghame Drive; now, “Buckingham.” On the approved Concept Plat, Buckinghame Drive was in Parcel 8.

Parcel 10 remains in the same general location. Site Plan-level detail has not been provided, but, as with Parcel 5, this portion is intended to be approved through the Site Plan approval process, as cited in Note # 19. 70,000 ft² is still proposed.

Parcel 11 is depicted on Sheets 1, 4, and 9.

Note # 3 now cites the Zoning Case Number: 2005-11.

As stated at all previous reviews, the condominium components will require a separate approval process. That process requires Preliminary Plats/Site Plans, from which building permits can be obtained. Consequently, Parcels 2 and 4 are technically not part of this Preliminary Plat submission.

The condominium components must not be included in any Preliminary Plat submission to the Planning Commission. Any Preliminary Plat/ Site Plan must be reviewed by the TAC prior to its submission to the Planning Commission. In addition, in keeping with the proposed phasing, the Parcel 2 Preliminary Plat/Site Plan must be approved prior to the Planning Commission’s review of the Parcel 3 Final Plat, and the Parcel 4 Preliminary Plat/Site Plan must be approved prior to final site plan approval for Parcel 5. The applicant is reminded that for all other proposed Phases or Parcels, no building permits shall be issued prior to Recordation of final Site Plan approval.

The applicant is reminded that verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for the condominiums was a condition of Concept Plat approval.

The applicant is further reminded of other conditions of approval for the condominium phases, including:

- 1) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans;
- 2) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans;
- 3) The name of the water company providing the water being included on the Preliminary Plat/Site Plans;
- 4) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Parcel/Phase 4; and
- 5) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission.

What progress has been made regarding the site plan approval for the water and waste water plants and all associated facilities? McAnally said nothing at the County level. They have had many conversations with MDE to come up with the preliminary design concepts and once we have those, then we can design the infrastructure necessary to meet the permitting requirements for discharge and intake. Di Giacomo said if and when a Preliminary Plat is approved, you should get beyond the conversation level and get something concrete. Meiskin said they are going as fast as MDE can go and they have been meeting with them once a month. Part of this is MDE has not done a reservoir in twenty years, so what standard are we using. This is not delaying, we have been pushing them, because this project does not happen without getting those plants going.

The "Land Use Summary" has improved, but it still does not completely satisfy the intent of §4.1.22(r), as follows:

- While Notes 19 & 20 indicate what is to be excluded from consideration, the Land Use Summary includes all Parcels.
- The M-2 zoned Parcel 11 is now consistently 12.0 acres, and the BG zoned Parcel 10 is consistently 8.2 acres, but are they really part of this Preliminary Plat?
- 374.06 RM acres, 8.2 BG acres, and 12 M-2 acres do not total 395.26 acres, as alleged at the beginning of the "Land Use Summary." Which figures are correct?
- In one place 151.95 acres of common open space are proposed on Sheet 1, in another, also on Sheet 1 the figure is 152.28. Which is correct?
- The internal road right of way areas are not easily reconcilable with the other acreages, especially since the lot acreages are not totaled and they are placed all the back on Sheet 11 of 11.
- The internal road right of way areas are also not easily reconcilable with the other acreages because in Phase 3/Parcel 3, for example, Aaron's Way, Caleb's Way, and Seth's Way are not included – unless subsumed under "private."
- We do not know if the potable water and wastewater treatment plants' aggregate acres are included in the 151.95 or 152.28 {read 252.28} (was 178.08) common open space acres or not.

§4.1.22(r) is intended to accurately, comprehensively, and understandably answer such questions in table form – in one location, on one sheet, without have to total all individual lot areas. Moreover, members of the TAC and Planning Commission should not have to find information to do calculations to try to figure out what is intended.

As stated at all previous reviews, Parcel 10's commercial development must be approved by major site plan, per §32 and §291.

As stated at all previous reviews, per §36.2.a, any industrial proposal on the M2 lands must be approved in accordance with §291.

Documentation was received that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers.

Density: The RM zone permits a maximum base density of 2/1, or 6/1 with community facilities; 12/1 for townhouses and 16/1 for apartments. The approved Concept Plat proposed 1,465 dwelling units on was 373.8 acres, for a proposed, aggregate density of 3.92/1. Has a copy of the boundary line survey been submitted? McAnally said it has and they can provide another copy.

This Preliminary Plat now provides information that 1,465 dwellings are proposed on 374.06 (was 375.06) acres, for a modified aggregate density of 3.916/1 (was 3.906/1).

Technically, this Parcel 1, 3, 6-9 Preliminary Plat proposes 592 (was 634) townhouses on 79.69 (was 83.99) acres and 133 (was 131) single family homes on 42.92 (was 38.99) acres, for respective, proposed densities of 7.43/1 (was 7.55/1) and 3.1/1 (was 3.36/1). Both proposed densities are within permissible limits.

Slopes greater than 25% 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.²⁰

Stream and wetland buffers have been shown. There is some question whether some may have to be expanded. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. What progress has been made in securing the required JD? McAnally said they have a memo signed by Philip Cewick, ACoE and can provide that to P&Z. It must be completed prior to Preliminary Plat review by the Planning Commission.

Several proposed structures are depicted near the 100-year floodplain boundary – which has now been labeled. Per §241.2.d (1), building sites within the 100-year floodplain boundary cannot be approved.

This proposal appears to satisfy the common open space requirements of the RM zone, which must be based upon the cited 374.06 acres. 15% common open space is required for the single family home portion phases; 20% is required for all others.

The "LAND USE SUMMARY" reveals that the combined common open space and condo common areas' acreage have increased to 245.58 (was 166.24) acres, which is 65.48% of 375.06 acres.

²⁰ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Since aggregate lot acreages were not provided on Sheet 11, it has not been determined whether the Parcel acreages cited in the “LAND USE SUMMARY” include common open space or not. If not, then the total RM acreage, based upon 245.58 open space acres, would be 413.1, not 375.06.

As stated at previous reviews, and as was a condition of Concept Plat approval, the C.O.S. sensitive areas thresholds²¹ must be calculated for inclusion on the Preliminary Plat. The calculations are confusing as presented and will need further review. They appear to be very close to compliance; the aforementioned ambiguities in the “Land Use Summary” make such calculations problematic. The applicant is reminded that the thresholds are based upon the common open space acreage that is required, not that proposed.

Proposed common open space must be consistent with all applicable provisions, including §176. Has the acreage of the potable water and wastewater treatment plants been deducted from (or included in) the common open space total of 151.95 or 152.28 acres? McAnally said it is not included in the open space, it is separate and that he does know what they need on the table.

25% landscaping of the development envelope is required in the RM zone.

Note # 13 of the approved Concept Plat indicated that, consistent with recommendations for the RM zone, sidewalks were proposed on both sides of streets, except where bike trails would be substituted on one side. The pedestrian access plan is contained on Sheet 9 of 11 of this Preliminary Plat. The applicant is again reminded that §4.1.22 requires Preliminary Plats to be drawn at 100-scale. McAnally asked if it was a problem to have the sidewalks at 200 scale. Di Giacomo said he needed to think about it.

Note # 9 states that this submission is invoking the provisions of §6.1 regarding “residential cluster development.”²² Note # 9’s continued reference to §6.3 as regards the relaxation of yard requirements, and the like, remains specious. It is §6.1 that addresses setback modifications and clustering.

§6.3.4 is, however, referenced in §6.1.2. Particularly with respect to §6.3.4 (g), this again raises questions about the proposal to situate the water and wastewater treatment plants in common open space. It also raises questions about proposing a SWM basin partially in common open space and partially in condominium common area. Since you have said this is not included, this comment is moot. Meiskin asked if they should label it something else as we want to make it easier for you. We have deducted it, but we will label it different if it would be easier for you. Di Giacomo said this is not necessary since it is not understood that it is not part of the COS and pointed out an area on the plat , 86-109 that is not clear. Meiskin and McAnally said this was a mistake.

Note # 10 cites the requirements of §6.1.5 (a) (b) & (c).

²¹ 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.

²² There may some question as to whether §’s 6.2 & 165 of the Cecil County Zoning Ordinance are in conflict with §6.1 of the Cecil County Subdivision Regulations. The Zoning Ordinance makes quite clear that its authority supersedes that of other laws or regulations, specifically with respect to lot area and yard requirements. However, the Zoning Ordinance also makes clear that its purpose is not to replace existing laws, rules, regulations, etc. In addition, §170 of the Cecil County Zoning Ordinance grants the Planning Commission the power to modify front, rear, and side setbacks, as well as lot widths in major subdivisions where it is demonstrated that the modifications will contribute to better subdivision design and will not have an adverse effect on adjacent properties. Therefore, in general, it is the reasoned opinion of staff that the provisions of §6.1 of the Cecil County Subdivision Regulations, regarding “residential cluster development,” are consistent with the various sections of the Cecil County Zoning Ordinance and the Cecil County Comprehensive Plan as to language and intent.

§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. In no case should a parking space be placed partially on part of an individual lot and common open space.

A graphic on Sheets 1 and 9 of 11 differentiate between "required open space" and "common open space." Sheets 4-8 of 11 differentiate among "open space," "common open space," and "condominium parcels common." Yet, the differences in the graphics actually used are indistinguishable from one another. Why?

The minimum distance between townhouse structures shall be 60' if the townhouse structures are face to face.

Note # 28 states that 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. Some of the overflow parking spaces depicted on Sheet 8 of 11 come very close – and need to be double-checked.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Blue Ball and Marley Roads.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads, including Zeitler 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 was approved on 11/18/05. The wetland, stream, and buffer locations shown on the Preliminary Plat do not match those shown on the approved FSD. All such details must be consistent, especially with respect to the Preliminary Plat and the PFCP.

The PFCP, which must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations), has not been submitted.

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The internal road names have been approved.

§7.2.12.E.4 requires 750' of separation between intersections on SHA roads. That separation has now been achieved for the 2 entrances on Blue Ball Rd. (MD 545), but since the locations have not been staked as requested, SHA has not approved those locations, and therefore this design is subject to change.

Access to common open space between lots must be marked with concrete monuments. A Homeowners' Association (HOA) for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

A continuing problem is the language used in Notes 23 & 26. All fee-simple lot owners must be members, as noted in Note # 26. Note # 23, in seeming contradiction to Note # 26, indicates that all dwelling owners will be members of the HOA. Which is correct? This needs to be resolved as it addresses the easement issues to get to the common open space.

For those parcels that may be intended as condominium components, a Condominium Association must be established prior to recordation. In addition, per Note # 23, as the condo owners are to have access to the common open space and the proposed Community Center, then the condo owners must also be members of the HOA, with \$50 per recorded condo unit being placed in escrow for improvements prior to recordation.

The water and wastewater plants and all associated facilities must be approved as major site plans per §291, prior to Final Plat review by the Planning Commission, except for Phases 2 and 4. For those phases, the site plans for the water and wastewater plants must be approved prior to the Planning Commission's review of the respective Preliminary Plat/Site Plans. They must also be approved prior to site plan final approvals for Parcels 5 and 10.

In addition, if it is a community sewerage system, it must be consistent with all provisions of §175 of the Zoning Ordinance.

Note # 8 indicates that a 25' peripheral bufferyard is required. In addition, per §187.2, additional bufferyards may be required between the RM and BG and M2 zoning districts within the development tract, and buffering landscaping may be required as Landscape Plan components of the respective Site Plans for the water and sewer facilities.

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

The Master Water and Sewer Plan classifies this site as W3 and S3.

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

Verification of the capability of the proposed water system to serve all proposed dwelling units must be received from MDE prior to Final Plat review by the Planning Commission for Phases 1, 3, and 6-9. Said verification must precede the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 4, and Site Plan approvals for Phases 5 & 10.

Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE must be submitted prior to Final Plat review for Phases 1, 3, and 6-9. It must precede the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 & 4, and Site Plan approvals for Phases 5 & 10.

The identity of the waste water treatment plant must be included on the Final and Record Plats for Phases 1, 3, and 6-9. It must be included on the Preliminary Plat/Site Plans for Phases 2 & 4, and respective Site Plans for Phases 5 & 10.

The name of the water company providing the water must also be included on the Final and Record Plats for Phases 1, 3, and 6-9. It must be included on the Preliminary Plat/Site Plans for Phases 2 & 4, and respective Site Plans for Phases 5 & 10.

As was a condition of Concept Plat approval, fire hydrant locations must be selected in consultation with the Department of Public Works and the Singerly Fire Company. Has Singerly Fire Company had input with respect to the proposed fire hydrant locations, especially the absence of fire hydrants along the proposed Aaron's Way, Devonshire Drive, Edinburgh Road, Barkley Court, Caleb's Way, or Seth's Way? McAnally said Singerly had issued a letter saying fire hydrants were adequate.

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

Confirmation must be received from the Conowingo Power or successor entities prior to Final Plat review that all proposed roads (only Zeitler Rd. shown at present) as well as any sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the utilities within the utility corridor.

All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts must be received prior to Final Plat review. or Preliminary Plat/Site Plan review for Phase 4.²³ All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

Some progress has been made since the previous submission. Yet, there are still unsatisfied conditions of Concept Plat approval and unanswered questions – including those relating to design in conjunction with the vitally-importance entrance locations on MD 545. Therefore, once all conditions of Concept Plat approval have been satisfied, then, at that time, a revised version should be reviewed by the TAC prior to submission to the Planning Commission for review and approval. If a Preliminary Plat is submitted to the Planning Commission without first having been reviewed by the TAC, then it will not be accepted and returned to the applicant.

Pugh asked if given the issues with SHA and other comments were taken care of are they at a point they can go to Planning Commission. Di Giacomo said in his view, he would go for the variances discussed previously regarding the stream buffers first. Pugh said they will not have the engineering design complete prior to Preliminary to provide to BOA to seek the variances. That is why we said we need to do this at final plat rather than preliminary plat. Because of the complexity of the variance application, we may not be able to have that reasonably prior to Preliminary Plat review, but we will have the meeting on the parking rationale and the other issues. Woodhull said not having the variances will not prevent you going to Planning Commission for Preliminary Plat review, but Tony recommends and we would be able to report.

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

²³ This assumes that Phases 6 and 8 are not condominiums also.

School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Leeds	North East	North East
FTE	400	851	1151
Capacity	374	721	1104
% Utilization	107%	118%	104%

Cynthia Latham left the meeting at 2:45 p.m.

9) **Villages of Herron Lake**, Parcel 1, Preliminary Plat. Zeitler & Blueball Roads, Taylor Wiseman Taylor, Third Election District

Pugh said they may at this point want to withdraw this section. It may not be necessary to go through this on e. Di Giacomo said every issue that has been identified pertains to either plan. In the event that it is withdrawn, on previous submissions I have said if that is submitted it will not be accepted for Planning Commission. I did not say that at this time, but in looking at this one, this one clearly says the multifamily residential acreage is 375.06, not 374.06, so I haven't gone from one sheet to the next, but from one submittal to the next, the numbers change. You need to get the numbers straight and they must be consistent from sheet to sheet and from submittal to submittal. It's a large project, but again, it took a lot of review. What is submitted to Planning Commission really has to be accurate and must be consistent. Pugh said he hears that message, but before formally tendering their withdrawal, he thinks they might be better advised to take the review of the smaller section. Pugh asked if parking was included. Woodhull said it is on parcel 7 & 8. Di Giacomo said it would be true for either and certain benchmarks are required along the way. Meiskin asked if, though he qualified it might not be a simple question to answer, does it make sense to address if there are any issues or topics that were not previously addressed in the entire overall. He said he was looking through the notes and nothing is jumping out that is different. Di Giacomo said nothing surfaced in this submittal except for the difference in the total acreage that did not previously surface in the previous review. Pugh said one instruction he would look for in the smaller plan, would they seek prelim approval contingent on BOA variance approval? Meiskin said what he would prefer is to have both still alive until they can go through everything and digest the information and asked if there was a requirement to read everything. Di Giacomo said he has given applicant his comments which are a subset of the comments of the previous review as is the case for comments of all the other members of TAC, we can consider this reviewed and everything will appear in the minutes.

Meiskin asked if there are any other questions or issues they must address. Di Giacomo said the single most was the SHA issue and then the stream buffer issues and perhaps issues with the TIS since it was done early on.

Mark Woodhull, CCDPW, said a SWM plan, Road & Storm Drain plan, a Water Treatment and Distribution system plan, a Sewer Collection and Treatment System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The water and sewer system design must be submitted to the Department of Public Works and be approvable as to design by the Department prior to submittal for Final Plat Approval.

This project is located within a 'W-3' public water and 'S-3' public sewer service district in the Cecil County Master Water and Sewer Plan (MWSP). An amendment to the Cecil County MWSP may be required if the project timing results in the submittal of a final plat for planning commission approval before the 'W-3' or 'S-3' timelines occur. Regardless of the MWSP amendment, if the

Developer proceeds with engineering submittals of street and drainage systems infrastructure to the Department of Public Works, before submitting and receiving approval for the water & sewer system design, the Developer does so at their own risk.

Who is proposed to own and operate the water and sewer system in this development – the notes indicate the sewer collection and water distribution system is to be public but the treatment facilities are to be a community or private shared system. Have you secured approval from the Director of Public Works for this proposal? The water distribution system including fire hydrant locations shall be designed to meet or exceed the County’s standards. The applicant is responsible for securing review of the hydrant locations by the serving fire company. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.

Water & sewer lines must be extended to the ends of Randolph Drive & Edinburgh Road. The water line stub must be terminated with a cap & blow off (standard W-8) and the sewer must end in a terminal manhole (standard S-9).

Please validate your parking rationale for the townhouse sections. For the standard 20’ x 40’ townhouse units, a layout problem is obvious. This may also apply to the 22’ x 55’ units. If your minimum proposed setback from an interior roadway is 20’, and the driveway width is less than 18’, given the setback and location requirements for all public water and sewer service locations, your parking proposal of 2 units per lot on an on-lot driveway is faulty and must be revisited. Site layout revision may be required in order for you to validate your proposal of two (2) on lot parking spaces being available for the townhome sections. As well, see Cecil County Road Code details R-3 and R-5 which directs a 29’ minimum setback if perpendicular parking is used (which is proposed). Revise and resubmit as necessary to resolve this application discrepancy.

Provide a typical townhouse plan detailing the proposed parking as well as water, sewer, electric, & telephone line connection locations.

Along this same line discuss why the roads in parcel 1 are not standard R-5 as used in parcels 7 & 8?

A Road Code Variance to standard R-14 has been approved for Jason’s Court, Michaelson’s Drive, and Chester Court cul-de-sac. A variance was also granted for the proposed private roads on parcel 3.

The applicant’s engineer has corrected some of the roadway system geometric deficiencies that were present on the preliminary plat submitted for TAC review in February of 2006; however, there are still geometric and Road Code compliance issues present on this preliminary plat. The applicant’s professional engineer is required to produce a road system layout that complies with the Cecil County Road Code or obtain a variance to the requirements of the same. Portions of the layout shown in non-compliance with the Road Code are as follows:

- 1.1. Minimum residential driveway setback of 75’ required from intersections per Section 3.08 of the Road Code- numerous lots, townhome and single family, are non-compliant with this requirement.
- 1.2. Devonshire Drive (Section 3.04)
- 1.3. Hastings Drive (Section 3.04)
- 1.4. Hedley Drive (Section 3.04)
- 1.5. Goodrow Terrace (Section 3.04)
- 1.6. Lancaster Drive (Section 3.04)

- 1.7. Wellington Terrace (Section 3.04)
- 1.8. Samantha's Court (Section 3.04)
- 1.9. The private Road serving townhome units 48-85 (Section 3.04)
- 1.10. Jason's Court, Michaelson's Drive, Samantha's Court, and Chester Court cul-de-sac - see minimum required paved radius dimension and/or right-of-way dimension in cul-de-sac standard R-14.

Locations of horizontal roadway geometry are shown where clear line of sight easements will be proposed and/or required. No approval for these areas has been granted by the Department at this time. If the applicant cannot obtain approval for these alignments from the Department of Public Works, the street layout must be revised to meet the Cecil County Road Code. For these areas, inner lane widening, and possibly right-of-way widening is required and shall be shown on any street construction drawings submitted for review. For these areas, the clear line of sight easement shall be shown on final plat submitted for review or recordation, and shall include a note indicating that no obstructions blocking the clear line of sight are permitted within the clear line of sight easements shown. The note shall also indicate that site grading within the clear line of sight easement shall conform to the approved final grading plan(s) on file in the Cecil County Department of Public Works. The applicant's engineer is required to compute and align the inner lane widening for specific horizontal curves approvable to the Department in accordance with a standard acceptable to the Department.

Griffin Drive from the commercial site access to Zeitler Road shall be designed to meet the County Minor Collector Industrial/Commercial Road standard R-9. Edinburgh Road & Randolph Drive must be terminated in a temporary tee turnaround meeting standard R-18. Are you proposing a SWM facility on the NW corner of the Randolph Drive/Zietler Road intersection? If so identify it on the plat. If the Randolph Drive crossing will be a bridge or bottomless arch structure, the design approach and selection process shall be accomplished with pre-design input from the Department of Public Works. As well, any Zeitler Road bridge improvements shall be treated in a similar manner, with Departmental input being sought by the applicant's engineer prior to making any design submittals or permit applications for the same. Randolph Drive shall be constructed as a minor collector road from Zeitler Road to Wellington Terrace, approximately 350 linear feet. The storm drain section from Cornwall Terrace that divides townhome lots 43 & 44 should be moved to a location between lots 37 & 38 where additional setback distances to primary structures can be maximized for the public stormdrain system. Show anticipated street grades as required under subdivision regulation 4.1.22(M) for preliminary plats. (February 2006 TAC comment) The proper private parking area easements for the townhome sections are required to be shown on the preliminary and final plats. The standard detail will not singularly suffice, show and label the easements in plan view.

Where is the required Maryland registered surveyor's seal?

Permanent Stormwater Management facilities are not permitted within the stream buffer pursuant to Article IX, Section 174 of the Zoning Ordinance.

Are waivers requested for the no-disturbance stream buffer road crossings shown?

Additional offstreet parking is recommended for the townhome sections shown.

The applicant must investigate and report upon the Conowingo right-of-way shown. Specifically, the applicant must confirm Conowingo's right-of-way and easement dedication conditions for construction/reconstruction of the internal county road (Zeitler Road) as well as Conowingo's

approval for the Developer to reconstruct and the County to own a public road over the transmission company right-of-way before final plat submittal to the planning commission. It is recommended that the Applicant obtain this information prior to preliminary plat approval by the planning commission, so as to avoid any costly site re-design that might be necessitated by a refusal from the transmission company.

Why is Marley Road shown as a 60' right-of-way with 36' paved travel way? This is not the existing condition to the Department's knowledge.

It is anticipated that the applicant will be required to improve the Marley Road intersections with Deaver and Nottingham Roads. The Deaver Road intersection may require substantial re-alignment to create a Deaver Road stop and intersection condition.

The applicant has submitted a Protocol 2 Road Condition Survey of Marley Road per the November 2005 TAC and Planning Commission hearing requirements. The requirement to survey Zietler Road was withdrawn by the Department due to the nature of the proposed road improvements identified by the applicant. The extent of the survey covered the entirety of Zeitler Road, and for Marley Road from the site to Pulaski Highway. Zeitler Road must be built to major collector road standard R-8 and Marley Road must be improved to a Major Collector Road equivalency in road cross section and safe ability to handle the additional traffic loading generated by this development. The Marley Road improvements shall include the Nottingham Road intersection, which shall be improved on the Nottingham Road segment at least 100' in either direction to a minor collector road standard R-7 equivalency, and significant geometric improvement to the Deaver and Marley Road intersection. The applicant will be responsible for obtaining any and all right-of-way with acquisition being solely at the applicant's expense. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without these requirements being met. This survey information was required prior to submittal for TAC review of preliminary plat. The applicant's submittals to date are not fully responsive to the previously identified requirements and are under review by the Department at this time. In lieu of submitting an acceptable offsite road condition survey and initial improvements proposal, the Department will propose that planning commission condition the approval of any preliminary plat on the applicant being required to upgrade Marley Road from the site to Pulaski Highway to a major Collector Road standard R-8. The offsite road condition survey and initial road improvement submittal has not been received by the Department of Public Works and the applicant is instructed to submit and obtain Departmental approval of the same before submitting a preliminary plat for planning commission review.

The timing of the Marley Road improvements will be such that they be complete before any permits will be issued beyond those for Parcels 1, 2, & 3.

Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval, and a remapping of the 100-year flood plain and a crossing hydraulic analysis are required. The applicant is responsible to have their engineer prepare and submit these designs and analyses.

A TIS has been submitted for this project and was logged for review on January 23, 2006. The TIS has been reviewed and the Department has several questions/comments. Why can't the warrant analysis for Marley Road/MD Route 40 intersection be done now for build-out traffic loading? If you believe that a decision can't be reliably determined now, please explain why. The Department

doesn't agree with the assumption that none of the outside trips generated by the retail operation will impact Marley Road.

The applicant is responsible to have a Maryland Registered Professional Engineer update the Elk Creek and Laurel Run 100-year flood zone mapping. Zeidler Road and the Zeidler Road Bridge must be shown to be above the 100-year flood elevation in their proposed form and if improvements are required to meet this requirement, the applicant/developer is responsible for the engineering, right-of-way acquisition, and costs associated with the same. Submit the hydraulic and hydrology calculations and mapping to the Department for review.

Given the phasing proposed along with the current requirements to upgrade Zeidler Road to a non-100-year floodplain roadway, the Marley Road interconnection and any associated offsite improvements must be designed, rights-of-way approved, construction guaranteed, and included in the public works agreement for phase four. The timing and schedule for the Marley Road and offsite county road improvements shall be established and approved by the Department prior to final plat approval for phase 1.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Stormdrainage easements must be separated from private stormwater management and access easements. All lots must access the least major available road frontage. The final plat must depict the areas of denied access graphically.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 34.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 34.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 34.3 Requirements for Utility relocations.
- 34.4 Requirements for Public Works Agreements.
- 34.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 34.6 Requirements for County Roads.
- 34.7 Requirements for Driveways.
- 34.8 Requirements for Final Plat - Public Water and Sewer Allocation.
- 34.9 Requirements for Sewer Service Cleanouts – Location.
- 34.10 Requirements for Stopping Sight Distance Measurements.
- 34.11 Townhouse Parking Areas & H.O.A. Maintenance Easement Notes.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
 - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grades leaving Zeitler and Marley Roads may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. If a County-owned and maintained public water & sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
10. Applicant must provide stopping sight distance measurements for the Marley Road access to DPW prior to preliminary plat submittal. Mark the proposed Marley Road entrance location in the field by a survey stake or paint.
11. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

Joe Moore, CC Department of Health, see attached comments.

No comments were received from US Army Corp of Engineers and Delmarva Power.

Tony Di Giacomo read the comments of CC P&Z This proposal is in compliance with §3.8 of the Subdivision Regulations.

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

Zoning: BG, M2 & RM

The Concept Plat, proposing 1,465 dwelling units on 373.8 acres, for a proposed density of 3.92/1 was approved on 11/21/05, conditioned on:

- 22) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 23) All issues associated with the boundaries of the M2 area being satisfactorily resolved verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 24) Documentation of the completed JD being received prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 25) All road names being approved prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 26) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 6;

- 27) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 & 6;
- 28) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 29) The name of the water company providing the water being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 30) The Preliminary Plat or Preliminary Plat/Site Plans documenting that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers;
- 31) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 6;
- 32) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission for Phases 2 and 6;
- 33) Note # 11 deleting reference to alleys;
- 34) A Traffic Impact Study being completed prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 35) The "Land Use Summary" taking into account that the common overflow parking areas cannot be included in the open space total acreage;
- 36) The 100-year floodplain boundaries being labeled and verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 37) All data and information being reconciled between the plat and the "Land Use Summary;"
- 38) All proposed areas of common open space being shaded prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 39) Any Preliminary Plat/Site Plan review for Phases 2 & 6 clearly demonstrating consistency with §277;
- 40) Fire hydrant locations being selected in consultation with the Department of Public Works and the Singerly Fire Company prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 41) A complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission; and
- 42) The Preliminary Plat reflecting strict compliance with §7.2.12.E.4.

This Preliminary Plat covers only Phase 1/Parcel 1 and its now-proposed 225 townhouses.

At previous reviews, including the 11/2/05, 2/1/06, and 3/1/06 TAC reviews, the State Highway Administration advised that any proposed access must be staked to facilitate a field inspection to see if adequate sight distance can be obtained. That is why we, on 3/1/06, asked if all proposed entrance locations on MD 545 had been approved by SHA.

Our most recent information indicates that those locations have not been approved, and that they have not yet even been staked. Therefore, this Phase 1/Parcel 1 Preliminary Plat's design includes a proposed entrance that may not be achievable. How can it be approved?

Sheet 8 of 11 reveals that that all of proposed Lot 156, portions of the proposed Hedley and Winthrop Drives, and portions of the proposed Lots 157, 158, and 159 are within the 100 floodplain. This design, therefore, is inconsistent with §241.e.

In a telephone conversation Mr. Meiskin mentioned that the Zeitler Road would be rebuilt and re-graded to the extent that the floodplain boundary would change. However, there is nothing on the plat to indicate that is the case.

In addition, if the aforementioned re-grading involves the placement of more than 600 cubic yards of fill in the floodplain, then a variance must be granted. Otherwise, it is prohibited, per §241.c (1). No such variance is noted on the plat. What steps have been taken in that regard?

Sheet 8 of 11 also reveals another, separate but related problem. Portions of the proposed Griffin and Winthrop Drives and portions of the proposed Lots 157-167 are within the perennial stream buffer. That is prohibited, per §174.1.a. Of note, as this location is within the Suburban District as defined by the Cecil County Comprehensive Plan, it is not within the power of the Planning Commission to waive the stream buffer non-disturbance requirement, pursuant to §174.1.b (1). Therefore, this design is un-approvable.

In addition, Note # 19 indicates that separate major site plans will be filed for the proposed:

- Potable water treatment plant; and
- Wastewater treatment plat.

Since the development of all parcels will be dependent upon the potable water and wastewater treatment plants, and, pursuant to §4.2.13 (u), the Planning Commission cannot approve lots for which such planned facilities have not received all necessary approvals, those site plans must be approved prior to the Planning Commission's review of any Final Plat for Phase 1/Parcel 1. When will those site plans be submitted?

Condition # 2 required the satisfactory resolution of the M2 boundary prior to Preliminary plat or Preliminary Plat/Site Plan review. A letter outlining the discrepancies between the incorrect tax and zoning maps and the correct information obtained from the boundary line survey has been sent by the applicant to the Zoning Administrator. Therefore, condition # 2 of Concept Plat approval has been satisfied.

§4.1.22 requires Preliminary Plats to be drawn at 100-scale. Sheet 8 of 11, which contains most of the salient details for Phase 1/Parcel 1 appears to be drawn at 100-scale, but the plat clearly states that it is drawn at 200-scale. Such discrepancies must be reconciled in advance of any further submissions. Sheet 9 of 11 is drawn at 200-scale, as stated. It must be 100-scale.

Condition # 20 of Concept Plat approval required that a complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission. That does not appear to have been included in this updated Preliminary Plat TAC submission. Once that is done, the Preliminary Plat can be resubmitted for TAC review.

Previously, an accompanying document requests a waiver under §'s 174.1(b) (2) and 174.2(b) (1) for proposed road crossings. Has any analytic or quantitative documentation been provided that actually demonstrates that the disturbance would be minimized?

The same accompanying document also requested a variance under §240.1.a (1) to allow fill within the floodplain associated with the road crossings. It must be verified that §241.c and §243.8 do not also apply in this case. If the disturbances would be minimized, as suggested under the §'s 174.1(b) (2) and 174.2(b) (1) waiver requests, why would a variance for fill be necessary?

The submitted TIS does not reflect the fact that all proposed residential parcels, except for Parcel 1, are now shown to the west of the crossing of the Little Elk Creek. The trip distribution traffic volumes will likely shift commensurately to Marley Road. The TIS is currently under review.

While this Preliminary Plat is consistent with Concept Plat density approval, there have been significant layout changes – which the Planning Commission may feel are inconsistent with the approved Concept plat.

Parcel 1's layout has been changed, and its density has been changed. The approved Concept Plat proposed 240 d.u.'s; this Preliminary Plat now proposes 225 d.u.'s. Some road names have been changed. The adequacy of rear yard access issue has been addressed by adding easements. The applicant is again advised that fee-simple common open space access is far preferable.

Note # 27 states that 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. Some of the overflow parking spaces depicted on Sheet 8 of 11 come very close – and need to be double-checked.

Note # 3 now cites the Zoning Case Number: 2005-11.

The “Land Use Summary” has improved, but it still does not completely satisfy the intent of §4.1.22(r), as follows:

- While Notes 19 & 20 indicate what is to be excluded from consideration, the Land Use Summary includes all Parcels.
- Sometimes the M-2 zoned Parcel 11 is 12.0 acres; sometimes it is 12.04 acres. Which figure is correct, and why have its statistics been included in this Preliminary Plat?
- Sometimes the BG zoned Parcel 10 is 8.2 acres; sometimes it is 8.12 acres. Which figure is correct, and why have Parcel 10's statistics been included in this Preliminary Plat?
- The acreages of Parcels 1-4 and 6-9 total 167.52 acres, which is at odds with the 375.06 RM acres cited at the top of the Land Use Summary. If the 178.08 acres of common open space are added, the new total is only 345.6 acres.
- The 29.46-acre discrepancy cannot be explained by adding Parcel 5's 4.77 acres.
- We do not know if the potable and wastewater treatment plants' aggregate 6.89 acres are included in the 178.08 common open space acres or not.
- We do not know if the addition of proposed roadway rights-of-way would close the gap.

Simply put, §4.1.22(r), which is a requirement, not a suggestion, is intended to accurately, comprehensively, and understandably answer such questions in table form. Moreover, members of the TAC and Planning Commission should not have to find information to do calculations to try to figure out what is intended.

Documentation was received that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers.

Density: The RM zone permits a maximum base density of 2/1, or 6/1 with community facilities; 12/1 for townhouses and 16/1 for apartments. The approved Concept Plat proposed 1,465 dwelling units on was 373.8 acres, for a proposed, aggregate density of 3.92/1.

This Phase 1/Parcel 1 Preliminary Plat now proposes 225 townhouses on 26.92 acres for a proposed density of 8.36/1 – which is within permissible limits.

Slopes greater than 25% 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.²⁴

Stream and wetland buffers have been shown. As previously mentioned, there are very significant problems relating to the 100-year floodplain limits and the stream buffer boundaries.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. What progress has been made in securing the required JD? It must be completed prior to Preliminary Plat review by the Planning Commission.

20% common open space is required for townhouses in the RM zone. In one location on the plat, it is indicated that 11.12% is proposed. In another location it is indicated that 14.13% is proposed. The common open space acreage must be consistently cited, and all common open space must be labeled and referenced as such. Once that is done, the Preliminary Plat can be resubmitted for TAC review.

The Preliminary Plat continues to struggle with the §4.1.22(r) requirement. Some data are included on sheet 11 of 11, but they are not totaled. Other data are found on sheet 1 of 11, as follows:

“Net area”	11.45 acres
“Right-of-way area”	4.35 acres
“Provided open space”	14.13 acres
TOTAL	29.93 acres

That figure is inconsistent with the cited 26.92-acre total for Parcel 1.

The “LAND USE SUMMARY” reveals that the combined common open space and condo common areas’ acreage have increased to 245.58 (was 166.24) acres, which is 65.48% of 375.06 acres.

Since aggregate lot acreages were not provided on Sheet 11, it has not been determined whether the Parcel acreages cited in the “LAND USE SUMMARY” include common open space or not. If not, then the total RM acreage, based upon 245.58 open space acres, would be 413.1, not 375.06.

As stated at previous reviews, and as was a condition of Concept Plat approval, the C.O.S. sensitive areas thresholds²⁵ must be calculated for inclusion on the Preliminary Plat. That has now been done. However, the applicant is cautioned that those thresholds are calculated on the common open space acreage requirement, not the common open space acres proposed.

The graphic on sheet 1 of 11 differentiates between “open space” and “common open space.” Why?

Proposed common open space must be consistent with all applicable provisions, including §176. §176.2.a prohibits any common open space being used for parking. There can be common overflow

²⁴ The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

²⁵ 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.

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. In no case should a parking space on part of an individual lot and common open space.

Are the overflow parking spaces proposed to be owned by the HOA or the County?

If it's the HOA, then has their acreage been included in the common open space total of 11.12 or 14.13 acres?

25% landscaping of the development envelope is required in the RM zone.

Note # 13 of the approved Concept Plat indicated that, consistent with recommendations for the RM zone, sidewalks were proposed on both sides of streets, except where bike trails would be substituted on one side. The pedestrian access plan on Sheet 9 may conflict with other sheets, especially with respect to whether a sidewalk or a bike lane is actually proposed along one side of Zeitler Road.

Note # 9 states that this submission is invoking the provisions of §6.1 regarding "residential cluster development."²⁶ Note # 9's continued reference to §6.3 as regards the relaxation of yard requirements, and the like, remains specious. It is §6.1 that addresses setback modifications and clustering.

§6.3.4 is, however, referenced in §6.1.2. Particularly with respect to §6.3.4 (g), this again raises questions about the proposal to situate the water and wastewater treatment plants in common open space. It also raises questions about proposing a SWM basin partially in common open space and partially in condominium common area.

Note # 10 cites the requirements of §6.1.5 (a) (b) & (c).

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

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads, including Zeitler 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 was approved on 11/18/05. The wetland, stream, and buffer locations shown on the Preliminary Plat do not match those shown on the approved FSD. All such details must be consistent, especially with respect to the Preliminary Plat and the PFCP.

The PFCP, which must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations), has not been submitted.

²⁶ There may some question as to whether §'s 6.2 & 165 of the Cecil County Zoning Ordinance are in conflict with §6.1 of the Cecil County Subdivision Regulations. The Zoning Ordinance makes quite clear that its authority supersedes that of other laws or regulations, specifically with respect to lot area and yard requirements. However, the Zoning Ordinance also makes clear that its purpose is not to replace existing laws, rules, regulations, etc. In addition, §170 of the Cecil County Zoning Ordinance grants the Planning Commission the power to modify front, rear, and side setbacks, as well as lot widths in major subdivisions where it is demonstrated that the modifications will contribute to better subdivision design and will not have an adverse effect on adjacent properties. Therefore, in general, it is the reasoned opinion of staff that the provisions of §6.1 of the Cecil County Subdivision Regulations, regarding "residential cluster development," are consistent with the various sections of the Cecil County Zoning Ordinance and the Cecil County Comprehensive Plan as to language and intent.

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The internal road names have been approved.

§7.2.12.E.4 requires 750' of separation between intersections on SHA roads. That separation has now been achieved for the 2 entrances on Blue Ball Rd. (MD 545), but since the locations have not been staked as requested, SHA has not approved those locations, and therefore this design is subject to change.

Access to common open space between lots must be marked with concrete monuments. A Homeowners' Association (HOA) for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

The water and wastewater plants and all associated facilities must be approved as major site plans per §291, prior to Final Plat review by the Planning Commission, except for Phases 2 and 4. For those phases, the site plans for the water and wastewater plants must be approved prior to the Planning Commission's review of the respective Preliminary Plat/Site Plans. They must also be approved prior to site plan final approvals for Parcels 5 and 10.

In addition, if it is a community sewerage system, it must be consistent with all provisions of §175 of the Zoning Ordinance.

Note # 8 indicates that a 25' peripheral bufferyard is required. In addition, per §187.2, additional bufferyards may be required between the RM and BG zoning districts within the development tract, and buffering landscaping may be required as Landscape Plan components of the respective Site Plans for the water and sewer facilities.

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

The Master Water and Sewer Plan classifies this site as W3 and S3.

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

Verification of the capability of the proposed water system to serve all proposed dwelling units must be received from MDE prior to Final Plat review by the Planning Commission for Phases 1, 3, and 6-9. Said verification must precede the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 4, and Site Plan approvals for Phases 5 & 10.

Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE must be submitted prior to Final

Plat review for Phases 1, 3, and 6-9. It must precede the Planning Commission’s review of the Preliminary Plat/Site Plans for Phases 2 & 4, and Site Plan approvals for Phases 5 & 10.

The identity of the waste water treatment plant must be included on the Final and Record Plats for Phases 1, 3, and 6-9. It must be included on the Preliminary Plat/Site Plans for Phases 2 & 4, and respective Site Plans for Phases 5 & 10.

The name of the water company providing the water must also be included on the Final and Record Plats for Phases 1, 3, and 6-9. It must be included on the Preliminary Plat/Site Plans for Phases 2 & 4, and respective Site Plans for Phases 5 & 10.

As was a condition of Concept Plat approval, fire hydrant locations must be selected in consultation with the Department of Public Works and the Singerly Fire Company. Has Singerly Fire Company had input with respect to the proposed fire hydrant locations?

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

Confirmation must be received from the Conowingo Power or successor entities prior to Final Plat review that all proposed roads (only Zeitler Rd. shown at present) as well as any sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the utilities within the utility corridor.

All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts must be received prior to Final Plat review of Phases 6-9, or Preliminary Plat/Site Plan review for Phase 4.²⁷ All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

Some progress has been made since the previous submission. Yet, there are still major problems relating to design – including SHA road access issues and nontidal floodplain and stream buffer issues. Therefore, a revised version should be reviewed by the TAC prior to submission to the Planning Commission for review and approval. If a Preliminary Plat is submitted to the Planning Commission without first having been reviewed by the TAC, then it will not be accepted and returned to the applicant.

School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Leeds	North East	North East
FTE	400	851	1151
Capacity	374	721	1104
% Utilization	107%	118%	104%

10) **Stonebridge**, 33 Lots, Preliminary Plat, Bethel Church Road, Northern Bay, Fifth Election District

Ferron Pyles appeared and provided an overview of the project. Di Giacomo said Planning Commission will ask about the long panhandle. Pyles said he will explain it to them as he would be more than happy to put it back in common open space, but it is prohibited. Can it be done by variance or can PC do it? Di Giacomo said PC is not empowered to grant a waiver on it.

²⁷ This assumes that Phases 6 and 8 are not condominiums also.

Mark Woodhull, CCDPW, said 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.

Based upon the current permitted capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval (concept through final) no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at his own risk.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. Woodhull asked if sight distance measurements had been done. Pyles said they were done in 2004 and he will provide another copy.

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.

How will quantity control be addressed for the stormwater runoff directed along Falling Water Drive to the existing intermittent stream near the entrance to the development? It looks as though you have five lots and approximately 570’ of road contribute to this runoff. Pyles explained they will have to over manage to offset as it seemed logical to us with how you would analyze it.

What is proposed for the drainage easement between Lots 17 & 18? How will quantity control be addressed for the stormwater runoff directed to this easement? Pyles said it will be the same as above. There is not that much run off there and they will over manage above that. Woodhull said no waiver or variance will be granted to allow direct discharge of runoff to the stream, so you need to be sure the SW plan addresses that adequately.

The 20’ wide Inspection & Maintenance easement, adjacent to Lots 22-25 & 27, may need to be wider depending on the conveyance system proposed.

Bethel Church Road currently meets a Minor Road standard and is an overlaid tar and chip road in section. The Minor Road classification is designed to handle an ADT of less than 500. Recent traffic counts indicate an ADT 700^{+/-} with no new development impacting Bethel Church Road. At an ADT of 700^{+/-} the roadway width and section are marginal, at best, for supporting the current traffic loading. With the addition of 33 houses of this Development the ADT is expected to rise to 1030^{+/-} and would reach 2700^{+/-} when Bethel Springs and Bedrock developments are completed. The Department considers Bethel Church Road inadequate for that traffic load. Therefore, the developer, alone or in conjunction with other applicants, will be responsible for off-site improvements to Bethel Church Road. This Department is well aware of the design difficulties associated with accomplishing this upgrade without undue burden upon existing residential home sites. As such, the Department will consider some modifications to the Minor Collector Road standards where necessary to meet site constraints and encourage creative solutions. Strongly recommend that you meet with the DPW and meet in the field to discuss these issues. The Department expects that most of the required improvements would be achievable within the existing Proscriptive Right of Maintenance enjoyed by the County on Bethel Church Road. These improvements would consist of but not necessarily be limited to widening, repair and/or establish shoulders, and improve roadside drainage. The extent of this upgrade, at a minimum, would be from the intersection of Falling Water Drive and Bethel Church

Road to the Bethel Church Road/Marysville Road intersection. The off-site work will be required prior to the last house being built in the Development.

Has a Road Code Variance been requested for this development? Pyles said not yet and that he will draft something. Woodhull said it would appear that one is required for the deceleration lane requirement at the proposed Bethel Church Road intersection. Any Road Code Variance needed must be submitted prior to submittal to Planning Commission for Preliminary Plat approval.

The access easement for the Lands of Schultz crossing the County ROW must be revertible. Pyles asked how this can be done and if it requires Schultz to give back the ROW. Pyles said he has an easement and can use that right of way. Pyles also said that Woodhull made a comment at the Concept level that DPW would not take that stub as county maintained road. Woodhull suggested that they get together to address the easement for Schultz and county ROW issues. Discussion ensued regarding these issues.

Lot 14 must be denied access to Baron Road.

Sanitary sewer house connections will not be made into manholes. With this in mind how do you intend to service Lots 1, 27-29, & 33.

All sanitary sewer lines deeper than 15' or located outside of county ROW must be ductile iron.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 14.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 14.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 14.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 14.4 Requirements for Utility relocations.
- 14.5 Requirements for Public Works Agreements.
- 14.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 14.7 Requirements for County Roads.
- 14.8 Requirements for Driveways.
- 14.9 Requirements for Final Plat - Public Water and Sewer Allocation.
- 14.10 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
 - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code requires that Bethel Church Road be upgraded to a Minor Collector Road, Cecil County Road Code Standard R-7 for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The internal street grade leaving Bethel Church Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
10. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Chris Brown, SCS, read comments. He provided soil maps and reports to applicant.

Bob Markwardt, CCBoE, said bus service would be provided at the intersection of Bethel Church Road and Falling Water Drive, assuming that is the approved name. What size homes do you anticipate? Pyles said they will be 3-4 bedroom and it will be a couple of years to get this thing started.

Joe Moore, CC Department of Health, read the comments of the Health Department. See attached.

No comments were received from US Army Corp of Engineers, SHA or Delmarva Power.

Tony Di Giacomo said the only comment from James Kyte was that 4 spaces for off street parking would be requested per home.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: DR

Density: The Concept Plat, proposing 33 lots, streets, and 14.16 acres of common open space on 33.23 acres, for a proposed density of 1/.993, was approved on 3/15/04, but its validity expired on 3/15/06.²⁸ As an extension was not an option, the same Concept Plat was again approved on 4/17/06, conditioned on:

- 1) The sensitive areas threshold figures being calculated and shown on the Preliminary Plat submitted for TAC review;
- 2) A boundary line survey being completed;
- 3) A JD being complete prior to Preliminary Plat approval; and

²⁸ The DR zone permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 4/1 permitted.

4) The PFCP being approved prior to Preliminary Plat approval.

This Preliminary Plat is generally consistent with the approved Concept Plat.

Has the boundary line survey been done?

On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Steep slopes have been shown on the preliminary plat.

Stream and wetland buffers 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.²⁹

The 11/15/03 sensitive species survey revealed no sensitive species habitats on the site.

15% common open space is required; 31.36% (was 43 %) is proposed. The C.O.S. sensitive areas thresholds have been calculated and included.

What is the purpose of the 100' wide right-of-way through the proposed common open space to the south of proposed Lot 14?

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

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

Sidewalks are recommended on both sides of all internal roads in the DR zone.

The proposed road names, Falling Water Drive and Cascade Court, have been approved.

Bufferyard Standard A is required along a portion of the rear lot line of proposed Lot 13 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 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) was approved on 5/28/02. The Natural Heritage Service recommends that "appropriate sediment and erosion control measures be taken to minimize impacts to nearby wetlands."

²⁹ 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 or the large lot, a JD need not be done.

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

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), Cecil County 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 Final and Record Plats.

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 Cecil County DPW must verify sewer capacity prior to the review of the Final Plat by the Planning Commission.

The power line over proposed Lots 3-8 should be relocated.

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 Master Water and Sewer Plan classifies this site as S1.

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

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

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Bay View	North East	North East
FTE	490	851	1151
Capacity	556	821	1104
% Utilization	88%	118%	104%

11) **Stony Run Apartments**, 72 DU, Preliminary Plat, Rhudy Drive/U.S. Rte. 40, McCrone, Inc., Fifth Election District

Mike Burcham, McCrone, Inc. appeared and provided an overview of the project. The boundary survey has been completed and shows 10.388 acres.

Mark Woodhull, CCDPW, said A SWM plan, Sanitary Sewer System plan, Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat approval. The fees for design review of this project must be provided at the time of first design submittals.

Although Rhudy Drive is proposed as a private road the Department understands that the applicant intends to build it to a Minor Collector Road Standard with the idea that if/when the adjacent lands of

Rhudy are developed the applicant would request the County take in the road. With this in mind a Road & Storm Drain plan must also be approved prior to submittal for Final Plat approval.

The Department understands that the Town of North East will own the water distribution system in this development. Have you requested a water allocation from the Town of North East? Burcham said they are waiting for Preliminary Major Site Plan approval and then we will request. 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. All easements for the water lines must be reflected on the final plat.

Based upon the current permitted WWTP capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval, concept through final, no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at his own risk. The Department has some concern about the proposed sanitary sewer routing. It is recommended that the applicant's engineer meet with the Department to discuss this prior to designing the system.

Any permits required for disturbance of a regulated wetland or wetland buffer shall be obtained by the applicant prior to Departmental approval of a plat for record.

At TAC the Department recommended the engineer and applicant revise the layout for two access locations along Rhudy Drive, tangent to the loop road alignment, with the west access road intersecting at right angle stop conditions with Stony Run Circle. No loop with a second access connection is shown for the site. The purpose of this recommendation was to provide two access locations for emergency response and accommodate utility and fire service vehicle turning and access movements into and out of the site. If a single entrance is permitted, Rhudy Drive must be terminated in a cul-de-sac, south of the Stony Run Circle entrance, in order to provide for large emergency response design vehicle ingress and egress along the county street.

Rhudy Drive must be designed and built to meet the County Minor Collector road standard R-7 at a minimum, which, in this case, will include a curbed street with 32' wide pavement minimum. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.

Show the sidewalk layout on the preliminary plat.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s).

Public Stormdrainage easements must be separated from private stormwater management and access easements.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 12.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 12.3 Requirements for Utility relocations.
- 12.4 Requirements for Public Works Agreements.

- 12.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 12.6 Requirements for County Roads.
- 12.7 Requirements for Driveways.
- 12.8 Requirements for Final Plat - Public Water and Sewer Allocation.
- 12.9 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”*
 - c. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Pulaski Highway may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. Developer must request and obtain a public sewer allocation from the Department of Public Works and a public water allocation from the Town of North East before submitting a final plat to the Cecil County Planning Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Chris Brown, SCS, read comments. Soil maps and reports were provided to applicant.

Bob Markwardt, CCBoE, said we note the location of the proposed bus stop and have no further comments.

Joe Moore, CC Department of Health, read comments of the Health Department. See attached.

Tony Di Giacomo said the fire chief representative had two comments. They would like a hydrant at the entrance off Route 40 and they would like 4 spaces for off street parking per home.

No comments were received from US Army Corp of Engineers or Delmarva Power

Tony Di Giacomo read the comments of SHA. See attached.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: RM

Density: The RM zone permits a maximum apartment density of 16 du/ 1 ac. The Concept Plat, proposing 72 apartment units on 10.388 acres, for a proposed density of 6.93/1, was approved on 5/17/06, conditioned on:

- 1) The boundary line survey being completed prior to Preliminary Plat review by the TAC;
- 2) Documentation of the JD being submitted prior to Preliminary Plat review by the Planning Commission;
- 3) All questions regarding which parcels are included being resolved prior to Preliminary Plat review by the TAC;
- 4) A TIS being completed prior to Preliminary Plat review by the TAC; and
- 5) The buffer exemption being granted under the provisions of §174.1.b (3) for the sanitary sewer and stormwater management outfall.

This Preliminary Plat is consistent with the approved Concept Plat.

Has the boundary line survey been completed? Burcham said yes.

Has the issue of exactly which parcels are included been resolved (as was a condition of Concept Plat approval)? Burcham responded affirmatively. Di Giacomo asked if it was 856 and part of 626. Burcham responded affirmatively and added that the parcel referred to during the Concept Plat was the Lands of Stoney Creek Land Company on the other side of the creek and it is not part of this project.

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.³⁰ Areas of steep slopes have not been shaded.

Stream and wetlands buffers have been shown. Some wetlands depicted on the plat do not appear on the approved FSD.

A perennial stream non-disturbance buffer exemption was granted under the provisions of §174.1.b (3) of the Zoning Ordinance for the sanitary sewer and stormwater management outfall.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. What is the status of the JD? It must be done prior to preliminary plat review by the Planning Commission.³¹

Open space equal to 20% of the gross site area is required; 69.6% is proposed.

³⁰ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

³¹ 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 or the large lot, a **JD** need not be done.

Why hasn't the open space sensitive areas thresholds been calculated and included on the Preliminary Plat? Burcham said he did not think it was required since it is private open space. It is not common open space as in a residential development. It can be calculated if necessary and they will be there for Monday's submittal. Di Giacomo referred to the regulations and said it refers to open space and not common open space. This must be done prior to the Planning Commission's review of the Preliminary Plat.

25% landscaping of the development envelope is required in the RM zone.

Sidewalks are recommended.

Buildings are proposed to be 30' high. Therefore, all buildings must be setback a minimum of 30' from all property lines per §29.4.d. This requirement has been met.

The separation distance between the buildings on the southerly side of the property must be provided to verify 30' distance.

Apartment buildings shall be set back at least 20' from all parking areas and internal roads (§29.4.h). This has been complied with.

The maximum length of an apartment building is 300 feet (§29.4.j). This has been complied with.

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

Street trees will need to be incorporated into the Landscape Plan along both sides of the proposed Stony Run Circle. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. No street trees shall be planted within 20 feet of sewer laterals and cleanouts.

An FSD for 9.8 acres was approved on 2/17/06, with the condition that the Natural Heritage letter be submitted prior to PFCP approval. A new FSD for this expanded 10.388- acre site was approved on 5/9/06. The wetlands depicted on the southeastern portion of the property on the plat do not appear on the approved FSD. That discrepancy must be resolved prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations). Its details and those of the Preliminary Plat must be consistent with one another's.

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The road names Rhudy Drive and Stony Run Circle have been approved. The roads in developments designed and used exclusively for rental occupancy under single ownership may be retained by the owner.

The number of parking spaces proposed exceeds the minimum required by 12 (was 15) spaces.

A Traffic Impact Study (TIS) has been submitted and is under review. The TIS concludes that study intersections, including the access intersection, will continue to operate at acceptable levels of service (LOS).

§29.5.a (2) stipulates: “A minimum 25 foot bufferyard meeting the C standard in Appendix B shall be provided around the perimeter of the development tract. No parking areas, roadways, or accessory structures shall be permitted in the 25 foot planted buffer.”

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

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

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

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

Fire hydrant locations must be selected in consultation with the North East Fire Company and DPW.

Improvements intended for the tot lot, the picnic area and the bus stop must be included in the Public Works Agreement.

For the record, what are the intended uses the Community Center?

A detailed proposal, including covenants, agreements, and other specific documents showing ownership and method of assuring perpetual maintenance to be applied to those areas of open space and recreation must be provided.

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

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	North East	Perryville	Perryville
FTE	487	705	1031
Capacity	510	753	1038
% Utilization	95%	94%	99%

The meeting was adjourned at 3:45 p.m.

Respectfully submitted,
Kathleen O'Connell

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, July 5, 2006, 9:30 a.m.
County Administration Building
107 North Street, Elkton, Maryland

Present: Di Giacomo (CCP&Z), Woodhull (CCDPW), Fred Von Staten (DEH), Daniel Graham, (Citizens Representative), Kyte (FA), Brown, (CCSCS), O'Connell (CCP&Z)

Absent: Cwiek (USACoE), Reynolds (Delmarva Power), King (SHA), Latham (MDE), Markwardt, CCB0E

Tony Di Giacomo called the meeting to order at 9:37 a.m.

- 1) **Harborside Village**, 162 Units, Preliminary Plat, MD Route 7, C N A Engineers, Fifth Election District, Courtesy Review for Town of North East

Doug Kolpac, C N A, appeared and presented an overview of the project. Kolpac said the project was in front of TAC several months ago, December, for Concept Plat with 236 units. Everything has changed since that time. Now there are 162 units. There are 7 single families, 8 quads, 72 condominiums and 75 townhouses for a total of 162 units. This is a result of working very closely with the town to provide a development which is acceptable to the town and acceptable to our client. Other than reducing the unit counts, we have changed some of the road networks and made them a little wider and provided a rear alley way entrance to several of the units, mainly the townhouses. We also have reconfigured the existing North East Isles Drive entrance from MD Rte. 7 so there is a round about area there to direct traffic to the existing North East Isles community as well as to Harborside and that area will be marked with signs, one for Harborside Village and another one for North East Isles. We do have State Highway comments and the comments were straightforward. I prepared an exhibit for you. We are not sure exactly how they will want everything constructed and we will need to talk with SHA to be sure exactly what they want. It appears we will not have a problem doing what they are asking. The entire property is within the 100 year flood plain and we had a meeting last week with MDE, tidal and non-tidal wetlands, John Joyce from the flood plain group. We invited the Army CoE, but they said they really did not need to attend at this point. We are currently doing a flood plain study and we are working closely with MDE. We are proposing a community center, 1 acre area, with a pool. We also have addressed emergency access with a separated entrance off MD Rte. 7 with a round about, but on the east side of where the community center is we have parking for the community center, but also tied in the alleyway to Rte. 7 and that area will be crash gated and that will provide for emergency access only. It will not be a full service entrance way. It is only there to provide a secondary entrance to the site in case there is a blockage.

Tony Di Giacomo said one of the key issues is the flood plain issue and if they change due to the fill and what the results will be. Kolpac said they have identified many of the issues and they all come back to what the results of the flood plain are. If the flood elevation changes we will have to go back and deal with those. We will not know until we are finished with the study. We just want you all to know that we are aware of the issues and are working on them. We will do our best to make the town happy and provide a nice community.

Mark Woodhull, CCDPW, read the comments of the department, The Department understands that the Town of North East will own the water distribution system and internal streets 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. All easements for the water lines must be reflected on the final plat.

The CCDPW also recommends that the roads & storm drains be designed to meet or exceed the Department's Road Code. Including maintaining access for emergency vehicles in the 100-Year Flood Plain. It sounds as though you have addressed that or will be addressing that.

A SWM 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 fees for design review of this project must be provided at the time of first design submittals.

The Department will not approve the SWM plan until the change from LDA to IDA has been approved & the COE & MDE approve building in the 100-Year Flood Plain.

How do you intend to address SWM requirements for this site? You have briefly addressed this question and you have said you will use tidal influence discharge or direct discharge and that takes away the quantity control. Your quality control you say you will handle with swales on the east side where you show your piping coming out. Kolpac said they had spoken with Tim Whittie about making wet ponds, heavily planting them and making them wetlands.

No SWM facilities may be located within the 100-Year Flood Plain. When you bring the site up, those must come up with it.

Identify all SWM conveyance easements on the preliminary & final plats.

Based upon the current permitted WWTP capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval, concept through final, no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at his own risk.

The proposed sanitary sewer pump station must be located outside of the 100-Year Flood Plain and be on a fee simple lot. Kolpac asked if they can build the pump station up on a platform and Woodhull said if they keep all the non-submersible equipment up and out of harms way.

Easements will be required for all the proposed county sanitary sewer lines located within the ROW of the Town's roads. Similar easements will be required for County sewer proposed in private alleys and open space. You have a utility easement between the condos and road B and you show a 20' ROW, is this running through common open space? Kolpac said it is.

The Quad Multifamily & Rear entry Townhome details indicate 20' wide alleys while the plan has them at 16' wide. Which is correct? Kolpac said it should be 16' all the way around.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 12.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 12.3 Requirements for Final Plat - Public Water and Sewer Allocation.
- 12.4 Requirements for Sewer Service Cleanouts – Location.
- 12.5 Requirements for Public Works Agreements.
- 12.6 Requirements for Stormwater Inspection and Maintenance Agreements

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. A Public Works Agreement is required for the county sanitary sewer construction.
4. If a County-owned and maintained public water & sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
5. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Chris Brown, SCS, read their comments and provided reports to applicant. Brown continued that there is some mislabeling on the plat which needs to be corrected.

Daniel Graham, Citizens Representative, reported no comment.

James Kyte, (Fire Chief Representative), said from what he can see there are only three fire hydrants in the entire development. Kolpac said there will be more than that. The Town of Northeast representative said they have submitted a plan to the chief. Kyte also asked if they can have a secondary water line, 8 inch main going up in addition to the loop system. The town of North East representative said it will be up to the engineer to determine what hydraulically what they can do. Di Giacomo said he had received a communication with Chief Piatellie and he is requesting a 12” water line. Kyte continued that parking appears to be laid out pretty decent.

Fred Von Staten, CC Department of Health, read their comments. See attached.

For the record, the US Army Corp of Engineers and Delmarva Power had no comments. Tony Di Giacomo read a letter from the North East Fire Chief. See attached. He also read the comments of MDE, CCBoE and a copy of SHA comments are attached. Di Giacomo asked the representatives from the Town of North East if they had any comments. They wanted to thank TAC for reviewing the project as it is a challenging site. The town standard for hydrants is every 500 feet. The representatives also asked if now would be appropriate time to request a meeting at this time with the Capital Facilities Administrator to discuss what work needs to be done at the pumping station see what the capacity really is. Di Giacomo said there are some things missing on the plat that should be there at Preliminary Plat, however, the Preliminary Plat is a critical juncture in the county’s process. It is the most detailed, intensive step in the process and for a County project, the final plat does not

come back to the TAC, so you are at a stage where it would be appropriate to talk with the Capital Facilities Manager. Once you are at the Preliminary stage, you need to get those loose ends tied up and as quickly as possible. Kolpac offered they are here in front of TAC because they know they have issues to work through. He further stated they had the meeting with MDE and all those folks. The intent at this point is to receive the TAC comments to address them, have more meetings and conversations with all the other appropriate flood plain people, critical areas, whatever. Our intent is not to submit these Preliminary Plats to the Town Planning Commission at this time. We would like to have comments from TAC, comments from MDE and the Army CoE and the critical areas and work through that process and then we will address all that. We might even come back to TAC again at that point, if we can, to discuss how we resolved all these issues and make sure that we are working through that. I would guess we would probably not be in until August or September, if everything works out well for Preliminary Plat to Planning Commission. Woodhull said final sewer allocation needs to wait until after they receive Preliminary Plat approval before making the sewer allocation request. That does not mean you cannot be talking to the Capital Facilities Administrator now about what kind of capacity is out there and where you fit in the line and what needs to be done. I would certainly recommend that you be in contact with Matt Carter on that issue, but the final allocation request should come after Preliminary Plat is approved. Di Giacomo further clarified that they are not attempting to hold the town to the county requirements or to say one is better than the other, but that the Preliminary Plat is significantly into the process and I would make that call and touch base with the administrator.

Tony Di Giacomo read the comments of CC P&Z. This subdivision is proposed in the Town of North East. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns' corporate limits. The Concept Plat was reviewed by the TAC on 12/7/05

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

- Town Zoning: R-3 (existing)
- Proposed zoning: PRD (Planned Residential Development)
- The Critical Area designation is LDA.
- The Concept Plat proposed 236 dwelling units are proposed on 59.36 acres, for a proposed density of 3.98/1. This Preliminary Plat now proposes just 162 dwellings on the same 59.36 acres for a proposed density of only 2.73/1. It should be confirmed that the proposed density is consistent with that permitted by the underlying zoning. As noted in Site Data Note #7, the maximum permitted density in the Critical Area LDA overlay zone is 3.99/1.
- It is recommended that any necessary rezoning be completed as early as possible, but definitely no later than prior to Final Plat approval.
- It is recommended that the proposed Critical Area Growth Allocation be completed prior to Final Plat approval.

- What is the rationale for the proposed Growth Allocation conversion to IDA from LDA? Kolpac said mainly impervious surface calculations.
- There is an unlabeled line that could be the limits of the proposed Growth Allocation, a revised 100-year tidal floodplain boundary, or the wetlands boundary. Whatever it is, it should be clearly labeled.
- It should be confirmed that the stream/Critical Area Buffers do not need to be expanded.
- It was previously recommended that an Environmental Assessment be completed prior to the review of any Preliminary Plat. It was also further recommended that demonstration of any IDA reduction of pre-development pollution loadings also be completed prior to the review of any Preliminary Plat.
- It is recommended that any proposed revisions to the 100-year and 500-year tidal floodplain boundaries resulting from fill be shown on the Preliminary Plat. How much fill will be involved, and what impacts are anticipated? You have already answered the question of how much fill will be involved and what impacts are anticipated.
- It is recommended that that any proposed floodplain boundary changes be approved by MDE and FEMA, and that any variances required for filling be obtained as early as possible in the Town's development review and approval process. Should such engineering efforts affect they proposed layout, then it is recommended that a revised Preliminary Plat be submitted prior to the submission of any final plat.
- It was previously recommended that the Concept Plat depict street and alley names, lot, and building numbers. This Preliminary Plat still has not added that information, except for the 7 proposed single family lots. It is strongly recommended that no Preliminary Plat be approved until and unless road names have been approved by the County 911 Emergency Center. It is difficult to comment on unnamed and unnumbered features.
- The entrance is proposed to incorporate the entrance to North East Isles, making for a boulevard entrance intersection at a right angle. The additional entrance on MD Rte. 7 is proposed for emergency access only.
- A Traffic Impact Study (TIS) was previously recommended to be completed prior to Preliminary Plat approval.
- Both entrances and all the proposed dwelling units would be within the 100-year or 500-year floodplains. Any variances required as a result should be noted on the plat.
- The Town of North East and Cecil County signed an "*Assigning obligations under the Forest Conservation Act*" agreement. Since this site is shown to be entirely within the Critical Area, the project is exempt under §3.2B. It is recommended that a note to that effect be placed on the plat.

- It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R-3 or PRD zones.
- It is recommended that the plat be checked to ensure that all requirements for Preliminary Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied.
- Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation. Note #2 indicates that the JD has already been completed; its documentation should be provided to the Town.
- It is recommended that it be demonstrated that the proposed 6' hiking trail through the non-tidal and tidal wetlands is consistent with the Town's and the Critical Area Commissions regulations and guidelines.
- It is recommended that it be demonstrated that the proposed optional community pier is consistent with the Town's and the Critical Area Commissions regulations and guidelines prior to any plan being approved that includes that option.
- Per Note # 3, there are habitats of any rare, threatened, and endangered species on site.
- 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, unnamed streets – sidewalks on only one side, and the resulting reduction of impervious cover in the Critical Area, would result in environment and/or SWM benefits.
- 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.
- Some overflow parking spaces appear to be in common open space. It is recommended that it be verified that North East's Zoning Ordinance or Subdivision Regulations permits such use of common open space.
- 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 is strongly recommended that consideration be given to soliciting review and comment on the subdivision layout by the North East Volunteer Fire Company.
- It is strongly recommended that the fire hydrant/standpipe locations be shown and be consistent with the Town's Zoning Ordinance and Subdivision Regulations.
- Consideration should be given to locating dry hydrants at the stormwater management ponds – 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 racks.
- It is recommended that a lighting plan that emphasizes pedestrian safety and security be submitted.
- It is recommended that all Variance numbers be shown on future plats.
- It is recommended that all proposed common open space be labeled and referenced as such – unless it is to be public parkland owned and maintained by the Town.
- It is recommended that all HOA documents be accepted by the state, recorded, and any escrow deposits be accomplished prior to the recordation of any plats.
- It is recommended that the Record Plats 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.
- It is recommended that the Record Plats also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

Kolpac had one point of clarification, the heavy dash line is actually a combination of tidal and non-tidal and the finer dash line is the tidal and the heavy dash line is the non-tidal, but we will clarify that in the next set of plans.

2) Lands of Harrison, John R., 1 Lot, Preliminary Final Plat, Mechanics Valley Rd., Coastal Land Surveying, Inc., Fifth Election District

John Harrison appeared and presented an overview of the project. Applicant stated he was here for TAC comments for changing parcels 7 & 12 from remaining lands to a lot of record and to address the two or three issues that came up at disapproval. I believe all the departments received a letter from Matt Carter in regard to sewer allocation which was approved by him. There was also a problem with the FCP which Vortex Company has been speaking with David Black in regard to keeping in mind that the parcel is 9 acres and there are only 3 usable acres there to start with. The

pond takes up about ½ acre and we figure there is at least 5 acres of wooded area on this lot already. Vortex feels that the FCP should be addressed at the site plan stage because even if you look at the whole site being traded off for retention, there is more acreage in woods already than buildable area. That is their logic in addressing it when the new owner takes over and does a site plan because we don't know what he is going to build. Di Giacomo noted that some of the area has already been used for offsite afforestation. Brad at Vortex feels there is enough left or more than enough left to address anything they would do in the three useable acres. His other comment to me was that if we need to supply something for the Preliminary Plat approval, we will, but he has been having discussions with David Black in regard to how to handle this. Di Giacomo said what is typically done is to have the FCP approved with the subdivision and then the finer details. The landscape plan, the bufferyards and those kinds of issues would be addressed at site plan approval. Typically the FCP is done at the subdivision stage. The logic is that if we did not have a look at the whole of all the different lots, you could come in with individual lot site plans that would then have FCP that in the aggregate would never work.

Mark Woodhull, CCDPW, read the comments of the department, sanitary sewer allocation has been granted for one (1) ELU and this condition must be so noted on the final plat before the Department will sign the record plat. 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 Site Plan Approval. The fees for design review of this project must be provided at the time of first design submittals.

Note 6 references an approved SWM Plan for this site. This approval, under the previous SWM Ordinance, expired December 31, 2004 in accordance with the Cecil county Code Section 258-58.

As we understand it now, the existing SWM pond located on Lot 4 will be owned by the new owners of lot 4. Kolpac said that is correct. All existing lots served by this SWM pond must be assured of the continued right to use this facility to meet SWM requirements. Deed language for Lot 4 must ensure these rights. Whoever is doing the new site plan, whoever buys that lot needs to know they must allow conveyance. It may not be the exact same route that it gets there right now, but they will need to be sure that any lot that drains there must have these rights. You could draft some language and we will take a look at it for you, but that is at the site plan stage, not at this phase.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 7.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Requirements for Utility relocations.
- 7.4 Requirements for Public Works Agreements.
- 7.5 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*

2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Chris Brown, SCS, read their comments and provided reports to applicant.

Daniel Graham, Citizens Representative, reported no comment.

James Kyte, (Fire Chief Representative), reported no comment.

Fred Von Staten, CC Department of Health, read their comments. See attached.

For the record, the US Army Corp of Engineers, CCBoE, Delmarva Power, North East Fire Company and SHA had no comments. Di Giacomo read the comments of MDE. See attached.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: BG

Density: The Zoning Ordinance sets no density for the BG zone, per se. Each lot must be of sufficient size to accommodate a structure, given the constraints of the required building setbacks.

If this non-residential subdivision lot is approved, then the developer still must submit a site plan and have said site plan approved before building permits can be issued.

This proposed lot was shown as "remainder," or remaining lands on the subdivision that was approved on 10/16/00. The Record Plat was signed on 11/14/00.

The purpose of this "subdivision" is to activate the remaining lands from the previously-approved subdivision as a building lot, Lot 4.

§171.4 of the Zoning Ordinance stipulates that: "For newly created business or industrial lots where said lots share ingress and egress with other business or industrial uses at approved access points onto County and State maintained roads. [sic] Said access points shall serve a maximum of three (3) lots. Appropriate legal instruments shall be recorded that provide for the shared ingress and egress. Road Code Waiver required."

If approved, this would be the 4th lot on the private road. This submission shows proposed Lot 4 to have road frontage on Flint Drive – a public road.

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

The boundary line survey had been completed.

However, the aforementioned Record Plat shows the acreage of the remaining lands to be 9.09 acres. This submission shows the proposed Lot 4 to be 9.89 acres. What accounts for this discrepancy? John Harrison said he was not sure what caused it. Di Giacomo said an explanation is needed on the discrepancy and a note added to the plat to explain the extra acreage.

Note #6 indicates that an approved SWM plan is on file with OPZ. Should that not indicate the Department of Public Works? In addition, Note # 13 indicates that SWM approval is still needed. Di Giacomo said those two notes need to be corrected.

Note #7 indicates that the floodplain boundary is taken from an unspecified subdivision on file with OPZ. That reference should be more specific. In addition, there is a lightly shaded area on the plat that could be the 100-year floodplain, but it is not identified in the legend. That must be corrected.

Impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹

Stream and wetland buffers 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 any site plan approval.²

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

No common open space is required.

At least 25% landscaping of the development envelope is required in the BG zone. The specific Landscape Plan, including street trees, can be addressed when a site plan is submitted.

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 FCP must be approved prior to the Planning Commission's review of the Preliminary-Final Plat (§5.1.C, §6.3.B(1)(a), Forest Conservation Regulations). Neither has yet been submitted. How is it, then, that Note # 12 indicates that the FCP has been approved?

A forest retention area, however, currently exists on the site because the parcel has been used to provide off-site forest retention for two other projects (FCP #264 and FCP # 366). The metes and

¹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

² 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 or the large lot, a JD need not be done.

bounds of the forest retention area shown on the plat do not match those shown on the approved FCPs. What accounts for those discrepancies?

The Landscape Plan must be approved prior to site plan approval.

A Landscape Agreement must be executed prior to 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, with the metes and bounds description of the FRA being shown on the Preliminary-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 community sewerage system is in conformance with the Master Water and Sewer Plan. Where is this required statement?

The Master Water and Sewer Plan classifies this site as W1 and S1. Why is a well being proposed as the water source rather than hook-up to public water?

The Final and Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to any lot(s)³ offered for sale. It does not now appear on the plat.

Note # 12 must specifically reference all applicable FCPs.

Per §4.2.13, the approval blocks must be in the lower left-hand corner of the plat.

Per §4.2.13 (a), the title block must be in the lower right-hand corner of the plat. As is, the title block does not indicate the proposed lot number, and it suggests road frontage on US 40 rather than on Flint Drive.

No documentation of sewer allocation/capacity has yet been provided by the applicant.

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

3) Villages of Herron Lake, Parcel 1, 3, 6, 7, 8, 9, Preliminary Plat, Zeitler & Blueball Roads, Taylor Wiseman Taylor, Third Election District

Bob McAnally, Michael Pugh and David Meiskin appeared and presented an overview of the project.

Mark Woodhull, CCDPW, read the comments of the department. A SWM plan, Road & Storm Drain plan, a Water Treatment and Distribution system plan, a Sewer Collection and Treatment System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The water and sewer system design must be submitted to the Department of Public Works and be approvable as to design by the Department prior to submittal for Final Plat

³ Note # 2 raises the spectre of additional subdivision.

Approval. The fees for design review of this project must be provided at the time of first design submittals.

This project is located within a 'W-3' public water and 'S-3' public sewer service district in the Cecil County Master Water and Sewer Plan (MWSP). ~~An amendment to the Cecil County MWSP may be required if the project timing results in the submittal of a final plat for planning commission approval before the 'W 3' or 'S 3' timelines occur.~~ Discussion ensued regarding the previous sentence and agreement was made to strike the sentence. Regardless of the MWSP amendment, if the Developer proceeds with engineering submittals of street and drainage systems infrastructure to the Department of Public Works, before submitting and receiving approval for the water & sewer system design, the Developer does so at their own risk.

The water distribution system including fire hydrant locations shall be designed to meet or exceed the County's standards. The applicant is responsible for securing review of the hydrant locations by the serving fire company. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.

~~Water & sewer lines must be extended to the ends of Randolph Drive & Edinburgh Road. The water line stub must be terminated with a cap & blow off (standard W-8) and the sewer must end in a terminal manhole (standard S-9).~~ Woodhull said this has been addressed on the current plat so the previous two sentences are struck.

In a meeting with the Department of Public Works the applicant agreed to widening all proposed internal streets with 24' wide cartway in Parcels 1 & 3 to 28' wide. Why hasn't this been shown on the plats? McAnally said they still agree to do that. Woodhull said there should be a note to this effect on the plat. McAnally said another thing agreed on in the meeting with DPW was a 34' wide ROW and 28' wide cartway which really does not match with any county standard. Woodhull said DPW is willing to work with what they can get within that ROW. McAnally asked if this requires a road code variance. Woodhull said yes but it is not needed immediately as there are still other issues to be resolved. There are still some townhouse units that have that 75' separation issue and this should be rolled into the same road code variance.

The applicant's engineer has corrected most of the roadway system geometric deficiencies that were present on the preliminary plat submitted for TAC review in February of 2006; however, there is still a geometric and Road Code compliance issue present on this preliminary plat. Minimum residential driveway setback of 75' required from intersections per Section 3.08 of the Road Code- several townhouse lots are non-compliant with this requirement the applicant's professional engineer is required to produce a road system layout that complies with the Cecil County Road Code or obtain a variance to the requirements of the same will be moot..

McAnally said they are anticipating having a 75' separation on all townhome units and on some of the singles they would come in from another street in order to have that. Woodhull and McAnally viewed the plat together and discussed the aforementioned information. McAnally said the bottom line is they will not be asking for a road code variance for the townhomes and Woodhull said note 8 will become moot. Note 7 will be a change and note 9 will be moot.

A Road Code Variance to standard R-14 has been approved for Jason's Court, Michaelson's Drive, and Chester Court cul-de-sac. A variance was also granted for the proposed private roads on parcel 3.

Griffin Drive from the commercial site access to Zeitler Road shall be designed to meet the County Minor Collector Industrial/Commercial Road standard R-9.

On Note 12, as previously mentioned identify the SWM facility on the NW corner of the Randolph Drive / Zeitler Road intersection on the final plat. This needs to be identified as a SWM basin and needs to be corrected by the final plat.

If the Randolph Drive crossing will be a bridge or bottomless arch structure, the design approach and selection process shall be accomplished with pre-design input from the Department of Public Works. As well, any Zeitler Road bridge improvements shall be treated in a similar manner, with Departmental input being sought by the applicant's engineer prior to making any design submittals or permit applications for the same.

Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval. The applicant is responsible to have their engineer prepare and submit these designs and analyses.

The applicant is also responsible to have a Maryland Registered Professional Engineer update the Elk Creek and Laurel Run 100-year flood zone mapping. Zeitler Road & Randolph Drive and the Zeitler Road & Randolph Drive stream crossings must be shown to be above the 100-year flood elevation in their proposed form and if improvements are required to meet this requirement, the applicant/developer is responsible for the engineering, right-of-way acquisition, and costs associated with the same. Submit the hydraulic and hydrology calculations and a remapping of the 100-year flood plain to the Department for review prior to submitting for Planning Commission review of the preliminary plat. In discussions with Tim Whittie over the past week, DPW knows you have the existing 100 year flood plain. You are looking at recalculating a section of this and making an engineers estimate on what you would need to get the road above the 100 year flood plain and then re-running that same calculation with basically that dyke condition in there across that one section and see what that model gives you. McNally said he ran some preliminary analyses and calculations to determine what size the bridges would be on Zeitler. The first one off of Blue Ball would be a clear stand bridge about 100' wide. The second one would be a clear stand bridge about 30' wide. The road would be set two feet above the existing flood elevation which is on the cross sections and the model you reviewed. We did some preliminary calculations to assume that we could have one foot of surcharge on the bridge and then set the road one foot above that. The small bridge at the far end of Zeitler would be 30' wide. That would not raise the flood elevation on the upstream side off of our property. By the time it got back to our property line it will be back down to the existing conditions and would not raise the downstream of the flood elevation at all. Woodhull said it is the upstream that DPW is concerned about and with the larger of the two crossings, the one to the east, with the 100 year flood plain already on parcel 363 and other properties upstream, that is where our serious concerns are and what the revised 100 year flood plain will do in the way of impacting those properties or what might need to be done on your site avoid the possible impact to your condo unit 2 and possibly 3 on the SWM. DPW wants to get more comfortable with these issues before it goes to PC. Mike Pugh asked if what McNally had talked with Whittie about to date, would those spans in place on a preliminary basis give comfort that there would be no adverse impact to the upstream because those spans would not constrict it any further. Is that sufficient for preliminary approval or

are you saying you need more than that for preliminary approval. Right now and discussed with Whittie as late as Friday of last week and again this morning, he was still in support of requiring this before PC. He is looking at re-running the study with those parameters put in, with the bridge and the two foot elevation on Zeitler Road. Certainly you can communicate with Whittie to make sure he would be comfortable with what you plan to submit.

The Department has reviewed an Existing 100-Year Flood plain Study submitted by the Applicant and it appears to reflect what is shown on the plats. However the Impact of the proposed fill for all roads in the flood plain and the associated bridges is not reflected and it is the potential of this impact to adversely affect adjoining properties as well as onsite facility locations that concerns this Department.

It is anticipated that the applicant will be required to improve the Marley Road intersections with Deaver and Nottingham Roads. The Deaver Road intersection may require substantial re-alignment to create a Deaver Road stop and intersection condition. Last time we spoke, there was a discussion of a possible alternative routing of that access actually coming out on Deaver Road and not using Marley. Has that progressed any further? Meiskin said this was inching along, not having given up, but there are multiple landowners involved. Woodhull said if that happens, there will need to be an amendment to the TIS as it may change the flow some. We will need to have a chance to look at it before you proceed with any design.

The applicant has submitted a Protocol 2 Road Condition Survey of Marley Road per the November 2005 TAC and Planning Commission hearing requirements. The proposed improvements approach is acceptable to the Department. Marley Road must be improved to a Major Collector Road equivalency in road cross section and safe ability to handle the additional traffic loading generated by this development. The Marley Road improvements shall include the Nottingham Road intersection, which shall be improved on the Nottingham Road segment at least 100' in either direction to a minor collector road standard R-7 equivalency, and significant geometric improvement to the Deaver and Marley Road intersection will be required. The applicant will be responsible for obtaining any and all right-of-way with acquisition being solely at the applicant's expense. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without these requirements being met.

Given the phasing proposed the Marley Road interconnection and any associated offsite improvements must be designed, rights-of-way approved, construction guaranteed, and included in the public works agreement for phase four. The Marley Road and offsite county road improvements shall be complete prior to the issuance of any temporary/final use & occupancy permits for dwellings or condominiums west of Laurel Run (phases 4, 6, 7, 8, & 9).

Was the TIS submitted based on the current layout proposed? McAnally said initially it was done with the units on the east side, but when we did the flood plain study, we found out that the area is mainly flood plain and I thought it had been updated since we made those changes. With more of the dwellings located west of the Elk Creek than in the earliest concept submitted there maybe an associated change to the traffic distribution ingressing & egressing the site. Applicant should check on the status of the TIS and if it has not been amended, it should be to show the changes.

The applicant had brought up the possibility of a major change to the Marley Road access to this site. Have you looked further into this? If so please discuss what you had in mind. Any proposed change would impact the TIS. This issue has been previously discussed.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s).
Public Stormdrainage easements must be separated from private stormwater management and access easements.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 34.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 34.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 34.3 Requirements for Utility relocations.
- 34.4 Requirements for Public Works Agreements.
- 34.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 34.6 Requirements for County Roads.
- 34.7 Requirements for Driveways.
- 34.8 Requirements for Final Plat - Public Water and Sewer Allocation.
- 34.9 Requirements for Sewer Service Cleanouts – Location.
- 34.10 Requirements for Stopping Sight Distance Measurements.
- 34.11 Townhouse Parking Areas & H.O.A. Maintenance Easement Notes.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
 - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grades leaving Zeitler and Marley Roads may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased

these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

8. If a County-owned and maintained public water & sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
10. Applicant must provide stopping sight distance measurements for the Marley Road access to DPW prior to preliminary plat submittal. Mark the proposed Marley Road entrance location in the field by a survey stake or paint.
11. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

Chris Brown, SCS, read their comments and provided reports to applicants.

Daniel Graham, Citizens Representative, reported no comment.

James Kyte, (Fire Chief Representative), said all bridges designed and built should be able to carry the weight of the heaviest piece of fire equipment that is serving the area. All fire hydrant placements to be determined by the local fire department, but at minimum every 600' apart including the main corridor of Zeitler Road. All streets that are less than 38' wide should have no parking signs on one side. Any streets under 30' wide should have no parking signs on both sides of the street and during construction, streets must be labeled with names in the event of emergency during construction.

Fred Von Staten, CC Department of Health, read their comments. See attached. McAnally said many of the comments are already on the plat.

For the record, the US Army Corp of Engineers and Delmarva Power had no comments. Di Giacomo read the comments of CCBoE, MDE and SHA. See attached.

Tony Di Giacomo read the comments of CC P&Z.. Tony Di Giacomo read the comments of CC P&Z. This proposal is in compliance with §3.8 of the Subdivision Regulations.

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

Zoning: BG, M2 & RM

The Concept Plat, proposing 1,465 dwelling units on 373.8 acres, for a proposed density of 3.92/1 was approved on 11/21/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 2) All issues associated with the boundaries of the M2 area being satisfactorily resolved verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 3) Documentation of the completed JD being received prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;

- 5) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 6;
- 6) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 & 6;
- 7) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 8) The name of the water company providing the water being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 9) The Preliminary Plat or Preliminary Plat/Site Plans documenting that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers;
- 10) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 6;
- 11) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission for Phases 2 and 6;
- 12) Note # 11 deleting reference to alleys;
- 13) A Traffic Impact Study being completed prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 14) The "Land Use Summary" taking into account that the common overflow parking areas cannot be included in the open space total acreage;
- 15) The 100-year floodplain boundaries being labeled and verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 16) All data and information being reconciled between the plat and the "Land Use Summary;"
- 17) All proposed areas of common open space being shaded prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 18) Any Preliminary Plat/Site Plan review for Phases 2 & 6 clearly demonstrating consistency with §277;
- 19) Fire hydrant locations being selected in consultation with the Department of Public Works and the Singerly Fire Company prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 20) A complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission; and
- 21) The Preliminary Plat reflecting strict compliance with §7.2.12.E.4.

Density: The RM zone permits a maximum base density of 2/1, or 6/1 with community facilities; 12/1 for townhouses; 16/1 for apartments. The approved Concept Plat proposed 1,465 dwelling units on was 373.8 acres, for a proposed, aggregate density of 3.92/1.

This Preliminary Plat now provides information that 1,457 dwellings are proposed on 375.06 (was 374.06 at 6/7/06 TAC review) acres, for a modified aggregate density of 3.885/1 (was 3.916/1 at 6/7/06 TAC review, and 3.906/1 at 6/19/06 PC review). Both the number of proposed lots has been reduced and the RM-zoned acreage has increased by about 1.3 acres.

Technically, this Parcel 1, 3, 6-9 Preliminary Plat now proposes:

- 584 (was 592 and previously was 634) townhouses on 80.35 (was 79.69 at 6/7/06 TAC review, and previously was 83.99) acres, and
 - 133 (was 131) single family homes on 41.64 (was 41.99 at 6/19/06 PC review, 42.92 at 6/7/06 TAC review, and previously 38.99) acres, ...
- ... resulting in respective, proposed densities of:
- 7.27/1 (was 7.36/1 at 6/19/06 PC review, 7.43/1 at 6/7/06 TAC review, and previously 7.55/1) and
 - 3.19/1 (was 3.16/1 at 6/19/06 PC review, 3.1/1 at 6/7/06 TAC review, and previously 3.36/1).

Both proposed densities are within permissible limits.

As a general comment, pursuant to §'s 4.1.7; 4.1.9; 4.1.21; 4.1.22 (h), (i), (k), & (p); and Appendix A, the Preliminary Plat is the most detail-intense among the required Concept, Preliminary, and Final Plats. In addition, should a Preliminary Plat be approved, the subsequent Final Plat would not be reviewed by the TAC. That is why it is critically important to have the Preliminary Plat match the anticipated Final Plat(s) as closely as possible, based upon reasonable and responsible estimates and calculations, as required.

Of particular interest in that regard is the 100-year floodplain boundary. In the simplest terms, there is an existing FEMA-approved floodplain boundary, there is the existing floodplain boundary "as determined," per Note # 16, and there will be an anticipated future floodplain boundary resulting from fill. The latter two will need to be approved by FEMA, per §239⁴, and the last is of most interest – to see, as we now cannot, to what degree the proposed design is consistent with it, per § 241.

§231 states in part that, "In addition to the information required in Section 230, an applicant for subdivision in the non-tidal floodplain zone shall submit a plan to demonstrate that a building site for each lot is outside the 100-year floodplain." Thus, subdivision proposal must comply with both §230 and §231. §224.3 states in part that, "Decisions to alter [the] floodplain ... should be the result of careful planning processes which evaluate resource conditions and human needs." §230.5.a, to which this proposal is subject, clearly requires that details of proposed alterations be included. Such details must be included on the Preliminary Plat, as there is no other point in the process for them to be reviewed by the TAC.

Since the last submittal (withdrawn prior to 6/19/06 review by the Planning Commission), Parcel 1 has been revised on Sheet 8 of 11 to remove lots and dwelling envelopes from the 100-year floodplain – rather than showing that those lots and dwelling envelopes would be outside the revised floodplain resulting from the reconstruction of Zeitler Road. While this revised Parcel 1 design now meets the requirements of §'s 241 and 174, it does not show what the new contours and elevations are estimated to be. For this information ultimately to be provided later in the process, when there will be no TAC review, is as inconsistent with the previously-cited sections as it is unreasonable. Mike Pugh asked to have a conversation about this issue. Pugh said the whole struggle on the issue of the floodplain delineations and ultimate topographic delineations is one of maybe degree of engineering in advance of Preliminary approval vs. degree of detail necessary. He continued, as you point out in each case correctly, once this goes through Preliminary approval, there is no further TAC review. We are

⁴ §239 states, in part: "The Zoning Administrator will determine the floodplain zone in which the development activity is proposed using the Floodway Maps and FIS is available, or, if not, by using the FIRM. Without prior approval from FEMA, the County shall use no other data to enforce floodplain management regulations."

prepared as a condition of Preliminary Plat approval to hold a requirement that says that upon completion of the engineering, we would return to TAC with specific engineered detail appropriate to these questions regarding foundations, fill amounts, all of the detail that we would need to obtain a variance from the Board of Appeals in order to represent that we have the ability to meet the health, safety and welfare concerns of the variance process and we would be willing to come back to TAC as a part of that variance review process to get a recommendation from the TAC on those issues prior to being able to advance the plat any further. That would protect the TAC and the administrative process, put it in line with the actual consideration of the engineered material which would be delivered to the Board of Appeals for decision and would give us the comfort at least that on a preliminary basis the design we are engineering toward is reasonable enough if as Bob says, preliminarily you have looked at the spans and the crossings and he can reasonably represent to the department's satisfaction that at this level we are not doing anything that would seemingly cause an adverse impact to the floodplain, but we would be put to the test later on when we go to the board of appeals, held back by the TAC recommendation to that Board of Appeals at the time. Pugh asked if that was a reasonable way to approach this. Di Giacomo said he would leave that to the PC to decide, but in terms of discussion they will probably ponder what the more reasonable course of action is; to have your actions conform to the established procedures or to bend the established procedures to have them conform to your desires. Pugh said he agreed and that is fundamentally what the decision is and the PC will make those cases. Pugh continued that for their purposes, they are trying to have some level of comfort that if we went through all that energy and engineered that whole thing and got the variances approved and then for some other reason the PC turned down the Preliminary Plat, we would be out considerable sums of money and I know that is not a legitimate issue for purposes of decision making, but it is a fact and it would be substantial amounts of dollars invested to get to the point of getting a variance, before we could ever get to the knowledge that a Preliminary Plat in all other respects was acceptable. We are throwing ourselves on the mercy of the process in that respect. That is why I introduced the idea of coming back to TAC with the information and making them a specific reviewer on these floodplain, buffer and all other issues that are outlined here. Until we can provide the specific engineered data, we cannot go to the Board of Appeals and say we can certify as an engineer, Bob can certify that there is no adverse impact to the health, safety and welfare based on the criteria of the ordinance. Once again, and we can discuss it at PC, but I at least want to put it on the table with you and let DPW and Planning discuss this because for us it represents a significant amount of risk to go forward on this narrow issue to do all the engineering required on this narrow issue without any comfort that the balance of the plat is going to be acceptable to the PC when we get to that point.

In addition, Sheet 3 of 11 shows that a portion of the proposed Randolph Drive in Parcel 6 is within the 100-year floodplain.

Note #'s 14 & 29 reference the need for a variance for more than 600 cubic yards of fill in the floodplain in conjunction with the reconstruction of Zeitler Road. Thus the floodplain boundary will change, but there is nothing on the plat to indicate that is the case, or the details of those improvements, as required in §230.5.a and §231.

If the aforementioned variance is not granted, then the required filling would be prohibited, per §241.c (1). What steps have been taken in that regard (i.e., has a Variance application been filed with the Board of Appeals), especially relating to technical analysis leading possibly to an MDE certificate? Pugh said at this stage, what Bob outlined to DPW are the steps that have been taken to date. There has been no formal application at this point.

Another, separate but related problem relates to stream buffers:

- Sheet 3 of 11 demonstrates that portions of Zeitler Road and Randolph Drive and a portion of Phase 6/Parcel 6's proposed Lots 16 & 17 are within the perennial stream buffer, and portions of 18 and 38 are within an intermittent stream buffer. McAnally said the building envelope on those lots is outside of the stream buffer and we are not disturbing or proposing to disturb the stream buffer at all on those lots where the stream buffer is in the rear of the lot. McAnally said that is the way the plan illustrates them in all cases. Di Giacomo said they are areas of concern. McAnally said they will have conservation easements on there not to disturb the stream buffer. Pugh asked if that note was on the plat. McAnally said no. Pugh said perhaps that note would be helpful.
- Sheet 4 of 11 shows that portions of the proposed Buckingham Drive, as well as a portion of proposed Lot 95 in Phase 7 & 8/Parcel 7 & 8 and proposed Lots 24-27 in Phase 9/Parcel 9 to be in stream buffers. Given that BeC2 is a highly erodible soil, the stream buffer may need to be expanded into the now-proposed SWM areas. McAnally said the stream buffers, when they are in the highly erodible soils, we have expanded them to the 160' from the 110'. Does this require that we expand them further? Di Giacomo said no.
- Sheet 5 of 11 depicts portions of proposed Lots 9-12 being partially within the stream buffer.
- Sheet 8 of 11 also reveals that portions of the proposed Griffin and Winthrop Drives are within the perennial stream buffer, and a portion of Griffin Drive, proposed Lot 161, and an overflow parking area are within a non-tidal wetlands buffer.

Disturbance of the stream buffer is prohibited, per §174.1.a. Of note, as this location is within the Suburban District as defined by the Cecil County Comprehensive Plan, it is not within the power of the Planning Commission to waive the stream buffer non-disturbance requirement, pursuant to §174.1.b (1). Therefore, this design appears un-approvable.

The proposed wetland disturbance must be addressed as prescribed in §'s 174.4.

Condition # 2 of Concept Plat approval required the satisfactory resolution of the M2 boundary prior to Preliminary plat or Preliminary Plat/Site Plan review. A letter outlining the discrepancies between the incorrect tax and zoning maps and the correct information obtained from the boundary line survey has been sent by the applicant to the Zoning Administrator. Therefore, condition # 2 of Concept Plat approval has been satisfied.

The Preliminary Plat's title blocks are now clearer. Consideration should be given to eliminating the duplicative "Phase"⁵ and "Parcel" nomenclature.

The title block information is reinforced by Note #'s 18 (was previously 19) and 19⁶ (was previously 20).

⁵ In terms of phasing, the recreation center site plan would need to be approved prior to Parcel 6's Final Plat review by the Planning Commission. Since the development of all parcels will be dependent upon the potable water and wastewater treatment plants, and, pursuant to §4.2.13 (u), the Planning Commission cannot approve lots for which such planned facilities have not received all necessary approvals, those site plans must be approved prior to the Planning Commission's review of any Final Plat for any of the respective parcels, except for Parcels 2, 4, and 10. For Parcels 2 and 4, the potable water and wastewater treatment plants' site plans must precede condominium Preliminary Plat/Site Plan approval, and those approvals must precede Parcel 10's site plan approval.

⁶ Note # 19 (was 20) serves to confirm that Parcels 2 and 4 are to be condominiums, and, therefore, will require Preliminary Plat/Site Plan approvals, consistent with established process precedent for condominiums.

§4.1.22 requires Preliminary Plats to be drawn at 100-scale. Sheet 9 of 11 is drawn at 200-scale.

Condition # 20 of Concept Plat approval required that a complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission. That now appears in letter form on sheet 11 of 11, although the information is general.

A previously-submitted document requested a waiver under §'s 174.1(b) (2) and 174.2(b) (1) for proposed road crossings. No documentation has been provided that demonstrates that the disturbance would be minimal.

That same document also requested a variance under §240.1.a (1) to allow fill within the floodplain associated with the road crossings, in keeping with Note # 14. It must be verified that §241.c and §243.8 do not also apply in this case

Note # 29 proposes the rebuilding of Zeitler Road and Randolph Drive, but no grading or construction details are provided and no new floodplain boundary is shown, as required in §230.5.a and §231.

The submitted TIS did not reflect the fact that all proposed residential parcels, except for Parcel 1, are now shown to the west of the crossing of the Little Elk Creek. Pursuant to the conversation that occurred earlier, Di Giacomo does not recall if the traffic engineer submitted any updates. Di Giacomo did not see any. If they exist, please bring them to our attention. The trip distribution traffic volumes will likely shift commensurately to Marley Road and as DPW has pointed out, if there is a direct punch through, that might also effect the trip distribution. Meiskin asked if Di Giacomo wanted old floodplain versus new floodplain on the plat. Di Giacomo said that would be helpful as there are now three. There is a currently approved FEMA approved floodplain. We have your study which apparently is more accurate than FEMAs, but does not have FEMA's blessings and then we have the floodplain as we think it is going to be. McAnally said they are very familiar with designing projects and the improvements and we design the projects from day one so that we are not going to impact owners downstream with our design so it's pretty normal to go through the process that we are going through now where we get the existing floodplain and we start with that and then all of our design after that we struggle to implement methods of design that do not change the existing floodplain. McAnally said they are not going to design the project in a manner that will substantially change the existing floodplain, because usually everybody's feet are held to the fire that they do not change that. We are going to design our bridges and what not so it does not affect any of the adjoining owners. When the Zeitler bridge is placed and the water needs to come through the bridge, we are not going to be changing the flood elevation on Mr. Herron's property or the same condition on Randolph Drive, we will not change it on Mr. Wilson's property and we will design those bridges accordingly. Because we are proposing to install improvements, we can do that in a way that we do not raise the floodplain with good engineering practices. McAnally continued there is the FEMA map now which is there for a flood insurance rate map for structures in that zone that are required to have flood insurance. We have no structures in accordance with the floodplain sections of the ordinance in the floodplain. Di Giacomo said that we were here last month with lots and building envelopes within the floodplain. McAnally said yes and they pulled those units out of there. Di Giacomo said the argument being made at that time was that the floodplain was going to change and the units would no longer be in the floodplain. McAnally said yes, the floodplain will change on our property, but not on anyone else's property. That is the design techniques we are normally held to and we will be held to in this case. Pugh added that the reason we pulled those units is not with the intention of abandoning them permanently. We had intended when the engineering was finished to come back and as part of

the application for the variance associated with the fill in the floodplain, etc., that we would introduce to the BOA the location of those units and ask for a buffer variance at the same time, supported under its own weight. Di Giacomo asked when that information would have come back to TAC. Pugh said it would come back to TAC as an amended Preliminary Plat. Pugh continued that they are trying to figure out a way to get just down to the crossing issues and the fill issues on the roads, get the units completely out of it and then at some point in the future under the weight of evidence demonstrate that we are able to make these improvements without adversely impacting things, get a variance and then come back in on a revised Preliminary. If we can't, then you will never see them again and they will go into condos or something like that. We also are not reducing as a total number, the number of units we sought approval of in the concept plat as a whole number. Di Giacomo said that whole number 1465 is different than 1457. Pugh acknowledged that it is and that is something that we should not have shown the total number which included the condo units as being less than that total that was originally approved. If we cannot work out a way that we can put these units in this location that we have previously shown them, there are other locations where those units may resurface consistent with the total number of units approved in the Concept Plat which included the condo units for which we are not seeking approval. We are not retreating from the whole number totally. We are removing for now units that are suspect because of these issues and if we can support their placement at these locations in the future, then we would return with a revised Preliminary Plat. If we show them now, we cannot support them because we do not have the data you say you need, and I don't disagree, to be able to show that we meet the test of a variance for those units. We are trying to step back from those particular units whose placement is now in question and say that when we go forward, if we can't demonstrate them, they do not reappear at that location. If we can, we come back with a revised Preliminary Plat. Pugh said he does not know any other way to do it than that. Meiskin said this is why they are putting on the record that we have to come back and stating it specifically. Pugh said since the subdivision regulation provide the PC with a conditional approval authority; they can approve, deny or conditionally approve. As a condition of approval, we would submit that a return to TAC in a recommendation role to the BOA as a part of that entire variance process, is an appropriate way to get down to the nub of information that everybody needs in order to make an informed decision while not at the same time throwing out the baby with the bathwater in terms of the overall subdivision. This is just a notion that it might work better that way. McAnally said another reason why they took those units off the plan on Phase I is also because there is the issue to be addressed at a later date with those units being in the stream buffer and the stream being on the north side of Zeitler Road so our delineated floodplain we did based on the existing condition goes like this. We maybe could have left these units here, but they would still be in the stream buffer so we took them off the plan altogether so it's both, the stream buffer and the floodplain. It's not only the floodplain that we need the relief on. Di Giacomo said he would resume his comments. The TIS is currently under review. The developer will be responsible for all necessary road improvements.

At previous reviews, including the 11/2/05, 2/1/06, 3/1/06, and 6/7/06 TAC reviews of Preliminary Plats, the State Highway Administration advised that any proposed access must be staked to facilitate a field inspection to see if adequate sight distance can be obtained. As of the 6/7/06 TAC review, the applicant still had not secured SHA approval for the proposed entrance locations on Blue Ball Road – upon which the proposed layout stands or falls.

It should be noted that SHA was concerned about the lack of approval for a finalized design shown on a Preliminary Plat because there is no other point in the process for it to be reviewed by the TAC.

OPZ on 6/12/06 received notice from SHA that the proposed commercial entrance onto Blue Ball Road (MD 545) in proposed Phase 10/Parcel 10 must be aligned opposite Potter Lane. That presents a problem because Potter Lane is only 620', centerline-to-centerline, away from the proposed Zeitler Road entrance. §7.2.12.E.4 requires 750' of separation, and condition # 21 of Concept Plat approval required that the Preliminary Plat reflect strict compliance with §7.2.12.E.4.

The SHA finds the Potter Lane alignment best and not inconsistent with SHA regulations. However, it is inconsistent with §7.2.12.E.4 and condition # 21 of Concept Plat approval. In addition, if turn lane right-of-way cannot be obtained, then either the Zeitler Road entrance may have to be moved (if possible, given sight distance requirements) or the Zeitler Road entrance and the commercial entrance might have to be combined. In any event, the ultimate solution to this problem may result in design changes that are not reflected on this Preliminary Plat.

While this Preliminary Plat is consistent with Concept Plat density approval, there have been layout changes – which the Planning Commission may feel are inconsistent with the approved Concept Plat.

Parcel 1's layout and lot numbering scheme have been changed, and its density has been changed. The approved Concept Plat proposed 240 d.u.'s; this Preliminary Plat now proposes 218 (was 226 on the 6/19/06 P.C. submittal; was 225 at 6/7/06 TAC review; and previously was 251) d.u.'s. Some road names have been changed, and the proposed parking space-to-dwelling ratio has increased to 3.6:1. The adequacy of rear yard access issue has been addressed by adding easements. The applicant is again advised that fee-simple common open space access is far preferable.

The peripheral bufferyards required under both §29.5.1 (2) and §187.2 are not shown to buffer Parcel 1's proposed residential development and Parcel 10's proposed commercial development, Note # 7 notwithstanding.

Parcel 2 is not under consideration with this Preliminary Plat submission. However, it has been relocated from Blue Ball to west of the Zeitler Road crossing of the Little Elk Creek.⁷

Parcel 3 is in the same location, but its layout changes include the moving of the potable water treatment plant to the south of Zeitler Road and the number of lots has increased from 180 to 202 (was 203 at the 6/7/07 TAC review). In addition, three (two of them previously-unnamed) private roads, Aaron's Way, Caleb's Way, and Seth's Way, are included. As the private roads are not labeled as such, the only way for TAC or Planning Commission members to determine that is to go back and forth between development summary information on Sheet 1 of 11 and the rendering on Sheet 5 of 11. Even then, one must use the process of elimination, as the private roads are not named in development summary information on Sheet 1 of 11. This submission is not user-friendly.

No fire hydrants are shown along the proposed Aaron's Way, Devonshire Drive, Edinburgh Road, Barkley Court, Caleb's Way, or Seth's Way. Condition # 19 of Concept Plat approval was that fire hydrant locations be selected in consultation with the Department of Public Works and the Singlerly Fire Company prior to any Preliminary Plat review. When did that take place and is there any documentation thereof?

⁷ It continues to show 160 d.u.'s, but the design has changed slightly. It is indicated that there are 152 surface spaces; by actual count there are 154. Such basic inconsistencies must be corrected.

Unless the floodplain boundary has actually been satisfactorily tied to field topography, Parcel 2's structures may be in the floodplain – which shall not be permitted. Site Plan-level detail has not been provided for this proposed condominium component.

With the differentiation between common open space and condominium open space, and the timing of the fee-simple and condominium parcels, the SWM facilities for Parcel 3 being located in Parcel 2 is of great concern. How will the phasing of Parcel 2 accommodate the SWM requirements of Parcel 3? McAnally said they would be able to install those basins on Parcel 2 without building other improvements on Parcel 2 since it is all commonly owned and the responsibility of the HOA. It is all our ground and we will be able to build the basin that we need to there. Di Giacomo said he would strongly recommend a note to that effect on the plat.

If the owners of proposed Phase3/Parcel 3's Lots 185-202 will not have access to the "condominium parcels common area" in Phase 2/Parcel 2, then their rear yard access issues remain unresolved.

Parcel 4 is not under consideration with this Preliminary Plat submission.

Parcel 5 is essentially unchanged and not under consideration with this Preliminary Plat submission. Site Plan-level detail has not been provided, but this portion is intended to be approved through the Site Plan approval process, as cited in Note # 18 (was 19 at the 6/7/06 TAC review). The applicant is again reminded that Parcel 5's Site Plan must conform to all requirements in §291 and Appendix A of the Zoning Ordinance. In addition, in keeping with the proposed phasing, the Parcel 5 site plan must be approved prior to the Planning Commission's review of the Phase6/Parcel 6 Final Plat.

Parcel 6 is in the same location. The approved Concept Plat shows 56 d.u.'s. Previous Preliminary Plats proposed 55 and then 52 d.u.'s, and this one now proposes only 38.

Parcels 7 & 8 are also in the same locations as previously. Some road names have changed. The approved Concept Plat proposed 89 townhouses for Parcel 7 and 72 single family d.u.'s; previous Preliminary Plat proposed all townhouses, with 161 total d.u.'s. and a combination with 180. This one now proposes 164, which is consistent with Sheet 4 of 11. The proposed parking space-to-dwelling ratio has increased 3.6:1.

Parcel 9 is in the same general location, but it had increased from 13 to 24.3 to 24.81 to 30.01 acres at the 6/7/06 TAC review and now to 29.08 acres. The approved Concept Plat proposed 128 townhouses. The previous Preliminary Plats proposed 76 and 79 single family detached homes; this one now proposes 95. Its layout is also significantly different from that proposed in the approved Concept Plat, and Buckinghame, now "Buckingham," Drive was in Parcel 8.

Parcel 10 remains in the same location, and is not under review. If turn lane right-of-way cannot be obtained on Blue Ball Road, then there is the distinct possibility that the Zeitler Road entrance and the commercial entrance might have to be combined. In any event, the ultimate solution to this problem may result in design changes that are not reflected on this Preliminary Plat.

Mike Pugh asked to stop at this point and to also go back a note or two going back to the SHA information. Pugh said his understanding is that Di Giacomo is saying the 750' spacing is an active problem for this Preliminary Plat. Di Giacomo said it is an issue. It is not necessarily a problem. The SHA feels that that is the best location and with that information, it may be the PC would grant that design modification and we are compelled to point out that it is inconsistent. Pugh said he believes when this process first started, a number of changes have occurred since the Concept approval. He continued that he thinks the PC's comment regarding the 750' spacing was in light of

another entrance where the lots were removed. Those were the two public access ways as opposed to this commercial entrance which is not an approved County or State road. It is a private entrance. This section of the Code refers to intersection, center line to center line of arterial roads. Di Giacomo said there is no differentiation between public roads and private accesses and in fact, the Concept Plat showed two of the three entrances to be private accesses to the commercial property. McAnally said the latest Concept Plat only showed two. Di Giacomo said given what SHA has said, while we point out that it is inconsistent with the subdivision regulations, if that is the safest location, we will not take the position that we want it to conform to the subdivision regulations even if it is unsafe.

Parcel 11 is depicted on Sheets 1, 4, and 9.

Note # 2 (was 3) now cites the Zoning Case Number: 2005-11.

As stated at all previous reviews, the condominium components will require a separate approval process. That process requires Preliminary Plats/Site Plans, from which building permits can be obtained. Consequently, Parcels 2 and 4 are technically not part of this Preliminary Plat submission.

The condominium components must not be included in any Preliminary Plat submission to the Planning Commission. Any Preliminary Plat/ Site Plan must be reviewed by the TAC prior to its submission to the Planning Commission. In addition, in keeping with the proposed phasing, the Parcel 2 Preliminary Plat/Site Plan must be approved prior to the Planning Commission's review of the Parcel 3 Final Plat, and the Parcel 4 Preliminary Plat/Site Plan must be approved prior to final site plan approval for Parcel 5. The applicant is reminded that for all other proposed Phases or Parcels, no building permits shall be issued prior to Recordation of final Site Plan approval.

The applicant is reminded that verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for the condominiums was a condition of Concept Plat approval.

The applicant is further reminded of other conditions of approval for the condominium phases, including:

- 1) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans;
- 2) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans;
- 3) The name of the water company providing the water being included on the Preliminary Plat/Site Plans;
- 4) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Parcel/Phase 4; and
- 5) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission.

No progress has yet been made regarding site plan approvals for the water and waste water plants and all associated facilities.

The "Land Use Summary" has improved, as follows:

- While Notes 18 & 19 indicate what is to be excluded from consideration, the Land Use Summary includes all Parcels.
- The M-2 zoned Parcel 11 is now consistently 12.0 acres, and the BG zoned Parcel 10 is consistently 8.2 acres.
- The common open space acreage has now been provided. 35.61 acres are proposed. Note # 13 serves only to perpetuate confusion regarding open space nomenclature. There is no such category as “required open space” to be differentiated from common open space. All common open space must be consistently labeled and referenced as such.
- The internal road right of way areas are now reconcilable with the other acreages, for the most part. The lot acreages are not totaled and they are placed all the way in the back, on Sheet 11 of 11. Several hand-totaled columns on Sheet 11 could not be reconciled with the data provided back on Sheet 1. This submission is not user-friendly.

§4.1.22(r) is intended to accurately, comprehensively, and understandably answer such questions in table form – in one location, on one sheet, without have to total all individual lot areas, and without having to use the process of elimination to identify proposed private roads. Moreover, members of the TAC and Planning Commission should not have to find information to do calculations to try to figure out what is intended. Di Giacomo said a lot of work obviously went into this and there have been improvements.

As stated at all previous reviews, Parcel 10’s commercial development must be approved by major site plan, per §32 and §291.

As stated at all previous reviews, per §36.2.a, any industrial proposal on the M2 lands must be approved in accordance with §291.

Documentation was received that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers.

Slopes greater than 25% 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.⁸

Stream and wetland buffers have been shown. There is some question whether some may have to be expanded. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Documentation of the completed JD was received on 6/9/06.

As previously stated, per §241.2.d (1), building sites within the 100-year floodplain boundary cannot be approved.

This proposal appears to satisfy the common open space requirements of the RM zone, which must be based upon the cited 375.06 (was 374.06 at the 6/7/06 TAC review) acres. However, several sheets are confusing with respect to the proposed common open space that the proposed required open space, and Note # 13 serves only to calcify the confusion.

⁸ The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

A minimum of 15% common open space is required for the single family home phases; 20% is required for all others. If more than the minimum is proposed, then that can be noted, but all of the common open space is still called, labeled, and referenced as “common open space.”

The C.O.S. sensitive areas thresholds⁹ have be calculated for inclusion on the Preliminary Plat. In the aggregate, they appear to be within approvable thresholds.

Proposed common open space must be consistent will all applicable provisions, including §176.

25% landscaping of the development envelope is required in the RM zone.

Note # 13 of the approved Concept Plat indicated that, consistent with recommendations for the RM zone, sidewalks were proposed on both sides of streets, except where bike trails would be substituted on one side. The pedestrian access plan is contained on Sheet 9 of 11 of this Preliminary Plat. The applicant is again reminded that §4.1.22 requires Preliminary Plats to be drawn at 100-scale.

Note # 8 (was 9) states that this submission is invoking the provisions of §6.1 regarding “residential cluster development.”¹⁰

Note # 9 (was 10) cites the requirements of §6.1.5 (a) (b) & (c).

§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. In no case should a parking space on part of an individual lot and common open space.

The minimum distance between townhouse structures shall be 60’ if the townhouse structures are face to face.

Note # 27 (was 28) states that 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. Some of the overflow parking spaces depicted on Sheet 8 of 11 come very close – and need to be double-checked.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Blue Ball and Marley Roads.

⁹ 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.

¹⁰ There may some question as to whether §’s 6.2 & 165 of the Cecil County Zoning Ordinance are in conflict with §6.1 of the Cecil County Subdivision Regulations. The Zoning Ordinance makes quite clear that its authority supersedes that of other laws or regulations, specifically with respect to lot area and yard requirements. However, the Zoning Ordinance also makes clear that its purpose is not to replace existing laws, rules, regulations, etc. In addition, §170 of the Cecil County Zoning Ordinance grants the Planning Commission the power to modify front, rear, and side setbacks, as well as lot widths in major subdivisions where it is demonstrated that the modifications will contribute to better subdivision design and will not have an adverse effect on adjacent properties. Therefore, in general, it is the reasoned opinion of staff that the provisions of §6.1 of the Cecil County Subdivision Regulations, regarding “residential cluster development,” are consistent with the various sections of the Cecil County Zoning Ordinance and the Cecil County Comprehensive Plan as to language and intent.

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

Note # 7 (was 8) indicates that a 25' peripheral bufferyard is required. In addition to this §29.5.a (2) requirement, per §187.2, additional bufferyards may be required between the RM and BG and M2 zoning districts within the development tract, and buffering landscaping may be required as Landscape Plan components of the respective Site Plans for the water and sewer facilities.

No 25' bufferyard has been shown to buffer Parcel 1 from the BG-zoned Parcel 10. Given the proposed already-truncated rear yards of the proposed townhomes, some redesign will be in order. The proposed Winthrop Drive cul-de-sac intrudes into the space where the bufferyard needs to go. McAnally said he thought it would be more appropriate on the commercial section to put the buffer on the commercial property and that would be reviewed when the commercial is reviewed on the Site Plan. Di Giacomo said that would take care of the §187.2 bufferyard. It does not take care of the §29 bufferyard which states that it has to be a peripheral bufferyard, not on BG or any other zoning or any other property but in that RM zone. How can the RM requirement be satisfied in a BG zone? McAnally said because it was a part of the original parcel and the original parcel requires a 25' wide bufferyard and that is what the Concept Plat shows and that is what this plan illustrates. The bufferyard on the adjoining property and in our own community and we will provide buffers as appropriate to the different zones. Di Giacomo said they can make that argument to the PC and they do have it in their power to waive that requirement.

The FSD was approved on 11/18/05. The wetland, stream, and buffer locations shown on the Preliminary Plat do not match those shown on the approved FSD. All such details must be consistent, especially with respect to the Preliminary Plat and the PFCP.

The PFCP, which must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations), has not been approved.

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

The internal road names have been approved.

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

Access to common open space between lots must be marked with concrete monuments. A Homeowners' Association (HOA) for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

For those parcels that may be intended as condominium components, a Condominium Association must be established prior to recordation. In addition, per Note # 23, as the condo owners are to have

access to the common open space and the proposed Community Center, then the condo owners must also be members of the HOA, with \$50 per recorded condo unit being placed in escrow for improvements prior to recordation.

The water and wastewater plants and all associated facilities must be approved as major site plans per §291, prior to Final Plat review by the Planning Commission, except for Phases 2 and 4. For those phases, the site plans for the water and wastewater plants must be approved prior to the Planning Commission's review of the respective Preliminary Plat/Site Plans. They must also be approved prior to site plan final approvals for Parcels 5 and 10.

In addition, if it is a community sewerage system, it must be consistent with all provisions of §175 of the Zoning Ordinance.

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

The Master Water and Sewer Plan classifies this site as W3 and S3.

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

Verification of the capability of the proposed water system to serve all proposed dwelling units must be received from MDE prior to Final Plat review by the Planning Commission for Phases 1, 3, and 6-9. Said verification must precede the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 4, and Site Plan approvals for Phases 5 & 10.

Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE must be submitted prior to Final Plat review for Phases 1, 3, and 6-9. It must precede the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 4, and Site Plan approvals for Phases 5 & 10.

The identity of the waste water treatment plant must be included on the Final and Record Plats for Phases 1, 3, and 6-9. It must be included on the Preliminary Plat/Site Plans for Phases 2 & 4, and respective Site Plans for Phases 5 & 10.

The name of the water company providing the water must also be included on the Final and Record Plats for Phases 1, 3, and 6-9. It must be included on the Preliminary Plat/Site Plans for Phases 2 & 4, and respective Site Plans for Phases 5 & 10.

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

As stated at previous reviews, confirmation must be received from the Conowingo Power or successor entities prior to Final Plat review that all proposed roads (only Zeitler Rd. shown at present) as well as any sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the utilities within the utility corridor.

In addition, all required documents from Conowingo Power or successor entities¹¹ granting permission or agreeing to utility corridor impacts must be received prior to Final Plat review of Phases 6-9, or Preliminary Plat/Site Plan review for Phase 4.¹² All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

A previously-recorded (9/9/91) agreement was faxed to OPZ on 6/9/06. It agrees to the use of the utility corridor for “agricultural purposes” and the right of “agricultural machinery and equipment” to cross it. Obviously, this proposal, if approved, would mark a significant shift away from agriculture; therefore, the 9/9/91 agreement will not suffice.

Some progress has been made since previous submissions. Yet, there are still unsatisfied conditions of Concept Plat approval and significant unanswered questions – including those relating to design in conjunction with the vitally-importance entrance locations on MD 545.

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

School information:	Elementary	Middle	High School
	Leeds	North East	North East
FTE	400	851	1151
Capacity	374	721	1104
% Utilization	107%	118%	104%

4) Villages of Herron Lake, Parcel 1, Preliminary Plat. Zeitler & Blueball Roads, Taylor Wiseman Taylor, Third Election District

WITHDRAWN

Di Giacomo offered to provide his comments for this project even though it had been withdrawn stating there are differences from the previous project.

5) Frenchman Land Company Inc., Site Plan, MD. Rt. 7/ MD Rt. 327, RJ Engineering, Seventh Election District, Courtesy Review for Town of Perryville

Robert Blomquist appeared and presented an overview of the project. They have requested a courtesy TAC review on behalf of the Town of Perryville. Eric Dunn, owner of the property, provided an overview of what is proposed for the property.

Mark Woodhull, CCDPW, read the comments of the department. The Department understands that the Town of Perryville will own the water distribution and sanitary sewer systems 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. All easements for the water lines must be reflected on the final plat. The Department also recommends that the sewer system be designed to meet or exceed the County’s standards.

¹¹ It now appears to be Delmarva Power.

¹² This assumes that Phases 6 and 8 are not condominiums also.

A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc...) on down-gradient properties so impacted must be identified on the SWM Plans.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 4.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 4.2 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Chris Brown, SCS, read their comments and provided reports to applicant. In the notes area, your lettering is not very legible.

Daniel Graham, Citizens Representative, reported no comment.

James Kyte, (Fire Chief Representative), said the DPW covered the fire hydrant issues and the upgrades to it by the local fire company.

Fred Von Staten, CC Department of Health, read their comments. See attached.

For the record, the US Army Corp of Engineers, CCBoE and Delmarva Power had no comments. Di Giacomo read the comments of MDE and SHA. See attached.

Tony Di Giacomo read the comments of CC P&Z. 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 Site Plan are as follows:

- Town Zoning: L2

- It should be confirmed that all existing structures are accurately depicted.
- It should be confirmed that the correct FEMA panel number is referenced on the site plan. Once that is done, it should be confirmed that the flood zone boundary information is accurate.
- Note # 8 references a Concept Plat. Is a subdivision involved, and, if so, has it been approved?
- A vehicle/pedestrian circulation plan should be developed so as to reduce pedestrian-vehicle conflicts, potentially using a combination of striping and MUTCD signage.
- It should be confirmed that 3 points of vehicular ingress and egress in such close proximity to one another on state roads is permitted and appropriate.
- It should be determined if Town or SHA policies will dictate that a Traffic Impact Study (TIS) need to be done. If so, then it is recommended that the TIS be completed and any required improvements be agreed to prior to final site plan approval.
- 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 L2 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.
- 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 any 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 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?
- It is recommended that any necessary variance or special exception numbers be shown on the plat.
- The printing on this site plan is distorted in several areas. It is recommended that the file site plan not be approved until that has been corrected.
- If consistent with Town policies, it is recommended that the proposed building height and at least basic construction details be included on the site plan.
- If consistent with Town policies, it is recommended that the proposed trash/refuse disposal methods, including the locations of any dumpsters, be included on the site plan. This is important to the identification of potential vehicle movement conflicts.

Mark Woodhull said he had two additional comments. With the fact that this is an existing pond that will be used, the SWM submittal will need the as built for that pond so we know what we are working with. Take a look at it and see if it is a hazard class pond and if it is, we will need a dam breach analysis. It may not be because of the fact that Ikea Way is climbing up to go over the bridge, but it needs to be checked. The 100 floodplain comes across Ikea Way and clips a corner of that pond. When you do your new SWM submittal, take a close look at that because the DPW position is to keep all SWM facilities outside of the 100 year floodplain.

Di Giacomo said if the town needs for it's Site Plan a box for the approval by their Town Administrator, you might want to put that in. Our regulations read that the title block would need to be put in the lower corner.

- 6) **Eugene & Gene Ragan Lands**, 14 Lots, Concept Plat, MD Rt. 274, RJ Engineering, Fifth Election District

WITHDRAWN

- 7) **Kirks Mill Manor**, 15 Lots, Concept Plat, MD Rt. 274, Coastal Land Surveying, Inc., Ninth Election District

Robert Blomquist appeared and presented an overview of the project.

Mark Woodhull, CCDPW, read the comments of the department. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

Do you intend to use the existing pond located on Lot 3 for SWM control? If the existing pond is proposed to serve as a SWM BMP it must be as-built and a dam breach analysis will be required. This information must be provided with the SWM submittal for this project.

Where are the required SWM BMP's located on this site? SWM BMP's cannot be located within the 100-Year Flood Plain, stream buffers, and wetland buffers. The Department strongly recommends that SWM BMP's be located in common open space. If they are located on individual lots who will own and maintain them?

Line of sight, intersection sight distance, and stopping sight distance must be addressed by the applicant's engineer for any proposed Kirk's Mill Road access locations. Mark the locations in the field by staking or flagging. As required at the November 2, 2005 TAC a submittal addressing these items and showing the available stopping sight distances must be made to the Department prior to submittal of a preliminary plat for TAC review. We have not received this submittal and the Department will recommend that the Planning Commission disapprove the preliminary plat until this information has been submitted.

Please discuss the intent of the one (1) acre lot proposed to be dedicated to the BOCC. Applicant said this can be used by the commissioners in any way they see fit. Woodhull said when applicant goes forward to PC for review, make this part of your opening discussion as they will have the same question we did.

How is the R E Jourdan lot accessed? Need to have this identified and have a copy of the easement because it must be shown on the deeds of lots 14 and 15.

The deed language for Lots 10 & 11 must address the rights and responsibilities of each owner in regards to the proposed shared driveway. We agree the shared driveway makes sense there, but want to be sure everyone knows about it.

Lots 2 & 4 are to be denied direct access to Kirks Mill Lane. A denied access note must be placed on the final plat.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 9.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note
- 9.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 1.3 Requirements for Utility relocations
- 1.4 Requirements for Public Works Agreements
- 1.5 Requirements for Stormwater Inspection and Maintenance Agreements
- 9.6 Requirements for County Roads .
- 9.7 Requirements for Driveways.
- 9.8 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the private mini road and the county road & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving MD Rte 274 may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways accessing a County Road must be paved at least to the right of way. If the mini-road is paved, this requirement will be expanded to the mini-road right-of-way. The driveway paving must be complete for all lots at the time when the surface course for the internal county roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the county roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Biggs Highway (MD Rte 274) may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Chris Brown, (SCS) read comments and provided soil reports to applicant.

Daniel Graham, Citizens Representative, reported no comment.

James Kyte, (Fire Chief Representative), asked if they are still considering a fire suppression tank on the property. Applicant said their preference would be a draft pond. Kyte said there is a problem getting around the 274 area into the houses.

Fred Von Staten, CC Department of Health, read their comments. See attached.

For the record, the US Army Corp of Engineers and Delmarva Power had no comments.

Di Giacomo read the comments of MDE, CCBoE and SHA.

Tony Di Giacomo read the comments of CC P&Z. This proposal is in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac.

The Concept Plat proposing a total of 15 lots on 96.36 acres, for a proposed density of 1/6.42, was approved on 12/19/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) Common open space being labeled and referenced as such;
- 4) Fee simple access to the proposed common open space being shown on the Preliminary Plat.
- 5) All bufferyards being shown on the Preliminary Plat;
- 6) The proposed Paul's Court being labeled a private mini-road on the Preliminary Plat; and
- 7) The contiguous operating farms notice being provided on the Preliminary Plat.

Bonus density eligibility was not an issue.

Has the boundary line survey been completed? Applicant said it has.

Although the proposed density is the same, significant redesign has occurred since Concept Plat approval. Therefore, why hasn't this been submitted as a revised Concept Plat? One of the things that is missing the SWM design which you would find on a Preliminary Plat.

Paul's Court has been eliminated completely, and a reconfigured Lot 1 (formerly 1, 2, & 3) is now proposed to directly access MD 274, an arterial roadway. This design is inconsistent with the approved Concept Plat and with §7.4.5. Have all opportunities for proposed Lot 1 to access an interior road been fully explored? Applicant said they have reviewed many other designs and we want to go with this one.

There are now 4 proposed panhandle lots. Why can't there be an alternative design in the form of a road, per §7.2.12.F.5? Has any consideration been given to an interior looped road, connecting MD 274 with Kirk's Mill Lane? Applicant said this was a previous comment, but this is what we desire.

A new private mini-road, Janet Court, is now proposed to serve new proposed Lots 2, 3, & 4 (was 8, 9, and common open space). Has sight distance been approved for Janet Court, and is it offset at least 125' from opposite side entrances on Kirk's Mill Road? This was addressed earlier but there are still sight distance issues. Applicant asked if he was talking about McMillan's? There is no problem.

A 1-acre area is depicted to Commissioners of Cecil County. This was not shown on the approved Concept Plat and no explanation or information has been provided in that regard. You might want to make a note on the plat about this. 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.¹³ 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'. As Hatboro is a hydric soil, why hasn't the stream buffer been expanded, as required? We will have to fix this.

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. What progress has been made in securing the required JD? Applicant said they have a preliminary letter from ACoE.

The dwelling location on proposed Lot 11 is intruding into the stream buffer.

There are no habitats of rare, threatened, and endangered species on site.

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 274 and Kirks Mill Lane. A condition of Concept Plat approval was that those bufferyards be shown on the Preliminary Plat, but that requirement has not been satisfied.

Bufferyards A were required to be shown on proposed Lots 5-6, 9, and 11-15, now renumbered as 3-4 and 11-15, as was a condition of Concept Plat approval. That has not been done.

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 FSD has been approved.

The PFCP has not been submitted.

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Pursuant to §7.4.2, why have proposed panhandle lots 2, 10, and 11 been designed with panhandle widths less than 50'? Applicant said they will make the change.

The proposed road names have been approved.

¹³ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A Mini-Road Maintenance Association must be established for maintenance of the mini-road prior to recordation. All lot owners accessing the mini-road must become members.

15% common open space is required. Approximately 16.86% (was almost 25%) has now been proposed.

The approved Concept Plat showed centrally-located common open space on which SWM was proposed. Why was that eliminated, and why is no SWM shown? Obviously we need to show where SWM goes, but it needs to be labeled appropriately based on percs.

Proposed fee simple access to the common open space in the 100-year floodplain has been shown, but it is an awkward and roundabout route that exceeds 2000' in length. I think the PC had more fee simple access in mind.

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. The inclusion of this notice was a condition of Concept Plat approval.

I was wondering why the new proposed lots 2 & 4 and why do they have panhandles to give them access to Kirk's Mill Lane. Applicant said because it is desirable to access Kirk's Mill Lane and not 274.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month. However, because of unsatisfied conditions of, and significant design deviations from, the approved Concept Plat, this should be resubmitted as a revised Concept Plat. You could disagree with that and you could argue it is not significant a design change, but consider bringing back a revised Concept to TAC that nails down the SWM and perc issues prior to going to PC.

'05 School information:	Elementary	Middle	High School
	Bay View	Rising Sun	Rising Sun
FTE	490	702	1153
Capacity	556	785	1081
% Utilization	88%	89%	107%

8) Larson's Reserve at Andora, Lots 1-19, Preliminary Plat, Carter's Mill Road, Frederick Ward Associates, Third Election District

Ed Steere appeared and presented an overview of the project. Perks are scheduled for 16, 17 and 18 for next week. There are no wetlands on this site and you are requiring a JD. CoE has said that there is a 9-12 month process to get JD and their priority is to do projects that have impacts. We are concerned about that issue. Since there will be no impact to wetlands, CoE will not get to the project for a JD. Di Giacomo said if there are no hydrate soils, if there is no reasonable basis to suppose there are wetlands there and none are shown on the FSD, under those circumstances, we would recommend to PC that a JD not be required.

Mark Woodhull, CCDPW, read the comments of the department. 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 fees for design review of this project must be provided at the time of first design submittals.

No Road Code Variances have been requested prior to this submittal for Preliminary Plat. As such the Department will expect all aspects of the Lee Way road design to comply the Road Code. This includes the requirements for an intermediate turnaround on Lee Way and acceleration & deceleration lanes on Carters Mill Road at the proposed intersection. When you had the mini road, it eliminated the need for the turnaround. You either need a turnaround or a road code variance. We would support a road code variance for the accel lane. The default decel lane would still be required. The accel/decel lanes must be identified on the final plat.

As identified in the Department's comments at concept plat review by the TAC the applicant is required to submit sight distance measurements prior to preliminary plat submittal. No such submittal has been received by the Department to date. The Department will recommend that the Planning Commission disapprove the preliminary plat until this information has been submitted.

Replace the Public Road Typical Cross Section detail with Standard Detail R-6 of the Road Code.

How does the Elizabeth Way entrance correspond to existing access or buildings on parcel 677? The final intersection alignment may need to be moved to avoid access and headlight to structure conflicts. Consultant must address these items along with a stopping sight distance submittal prior to preliminary plat submittal to the TAC.

Do you propose to run a storm drain pipe under the driveway to Lot 16? Why not route it between Lots 17 & 18. In any case this drain pipe must be located so that it is not under the proposed driveway. The proposed 20' wide stormdrain easement may need to be wider depending on the size & depth of the SWM conveyance proposed. Applicant said they could move it between 16 and 17.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). The 20' wide access easement between Lots 11 & 12 may need to be wider depending on the type of SWM conveyance proposed.

The discharge from the proposed SWM pond adjacent to Lot 11 as shown will require easements from the McCauley's in accordance with Section 251-15 D. The Department will require an analysis of the discharge to assure that that if it is directed as shown it will have no adverse impact to the existing drive or conveyance systems on the McCauley property. We just need to be sure there are no adverse impacts to McCauley since they do not benefit from the subdivision.

The applicant is required to supply a Protocol 3 Road Condition Survey of Carters Mill Road. The extent of the survey shall cover Carters Mill Road, from the site's entrance to MD Rte 213. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information and an initial road improvements proposal are required prior to submittal for planning commission review of a preliminary plat. The Department will recommend that the Planning Commission disapprove the preliminary plat until this information has been submitted. In regards to the required offsite road improvements, the applicant/developer is responsible for all right-of-way acquisition and any costs

associated with the same. The minimum expectation the applicant should plan for is a mill and overlay of Carters Mill Road from MD 213 to 100' past the center line of Lee Way.

Public Stormdrainage easements must be separated from private stormwater management and access easements.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 12.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 12.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 12.4 Requirements for Utility relocations.
- 12.5 Requirements for Public Works Agreements.
- 12.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 12.7 Requirements for County Roads.
- 12.8 Requirements for Driveways.
- 12.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Carters Mill Road be upgraded to a Minor Road standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Carters Mill Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Carters Mill Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Chris Brown, (SCS) read comments and provided soil reports to applicant. In addition, the soils are all labeled with dots, but are not necessarily labeled with what they are. An example is on Carter's Mill Road. Also, soils BAB, GED2 and GNB2 are shown on the plat but are not on your soils chart.

Going back to your previous comments, DAB is a hydric soil. Steere said he understands that and they have done a wetlands delineation and they do not have wetlands.

Daniel Graham, Citizens Representative, read a letter from Jane Murray who was representing her client. Applicant said this is a preliminary design. Applicant said the steep slope area is okay. Graham read an email from John Williams regarding adequacy of groundwater quantity. See attached.

James Kyte, (Fire Chief Representative), had concerns about getting a fire truck into the property. Applicant said in Concept, they had discussed putting a sidewalk in and they could accommodate the requests of the fire department.

Fred Von Staten, CC Department of Health, read their comments. See attached.

For the record, the US Army Corp of Engineers and Delmarva Power had no comments. Di Giacomo read the comments of MDE, SHA and CCB&E. See attached.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac, or 1/3 if bonus density is granted.

The Concept Plat, proposing 15 major subdivision lots¹⁴ on 45.148 acres, for a proposed density of 1/3.009, was approved on 5/17/06, conditioned on:

- 1) The JD being completed prior to Preliminary Plat review by the Planning Commission; and
- 2) The C.O.S. figures totaling the 10.84 acres cited.

The proposed Large Lot (#19), 17.05 acres, consists of 37.74% of the total acreage, and 10.84 acres of common open space are proposed, which is 24.01% of the total acreage. Together, the large lot and the common open space comprise 61.75% of the total acreage. Thus, this Preliminary Plat is consistent with the approved Concept Plat, and it has maintained its bonus density eligibility.

The boundary line survey has been completed, per Note # 1. Has a signed and sealed copy been submitted for the file? Applicant said it has not. TD said it needs to be submitted.

On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁵ Steep slopes have been depicted.

¹⁴ The density provisions of §2.4.1 were invoked, with Lots 1-4 proposed as minor subdivision lots.

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. What is the status of the JD?¹⁶ This has already been discussed.

There are no habitats of rare, threatened, and endangered species on site.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 213. It is not shown, per Note # 10 and Note # 11.

A modified (no 100' BRL) Bufferyard A has also been proposed along Carters Mill Road (lots 1 & 18) and along the periphery of lots 1-5 and 12-13, and with the 100' BRL on lots 5-12 & 18. Bufferyard A is also proposed along the east side of the proposed Lee Way and in the common open space bordering the American Tower parcel. In the interest of better preserving rural character, the alternative bufferyard configuration is reasonable.

However, staff would recommend consideration of the replacement of the Bufferyard C along proposed Lots 16-18 with a Bufferyard A. Also, it is unclear why the strip of common open space has been proposed along the border of lots 1-11. Steere said this is for consistency and maintenance of the buffer to the McCauley's and other neighbors. Most of the reforestation will occur in conjunction with this bufferyard C between lots 16-18.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of Lee Way, except for that portion with the Bufferyard A. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 3/21/06.

The PFCP has not been submitted. It must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

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

¹⁶ 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 or the large lot, a **JD** need not be done.

The proposed road name Lee Way has been approved.

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

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

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

The drafting tank location has been shown in common open space. All common open space must be labeled and referenced as such.

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 is reminded on the Monday noon submission deadline for review by the Planning Commission this month.

'05 School information:	Elementary	Middle	High School
	Kenmore	Cherry Hill	Elkton
FTE	312	559	1077
Capacity	285	700	1093
% Utilization	109%	80%	99%

9) Larson's Estates of Skyview, 11 Lots, Preliminary Plat, Skyview Road, Frederick Ward Associates, Third Election District

Ed Steere appeared and presented an overview of the project. The plan has not changed since going to PC conceptually.

Mark Woodhull, CCDPW, read the comments of the department. 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 fees for design review of this project must be provided at the time of first design submittals.

No Road Code Variances have been requested prior to this submittal for Preliminary Plat. As such the Department will expect all aspects of the Larson's Way road design to comply the Road Code. This includes the requirements for acceleration & deceleration lanes on Skyview Road at the proposed intersection. For one house, do a road code variance.

As identified in the Department's comments at concept plat review by the TAC the applicant is required to submit sight distance measurements prior to preliminary plat submittal. No such submittal has been received by the Department to date. The Department will recommend that the Planning Commission disapprove the preliminary plat until this information has been submitted.

Lots 1 & 2 are denied access to Skyview Road. Add note to preliminary and final plat.

Label the right-of-way dedication as ‘30’ wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County’. The right-of-way dedication along Skyview Road is scaled from the physical road centerline and offsite areas, i.e. areas of other ownership, should not be shown unless those owners have indicated their willingness to dedicate the right-of-way in fee simple as part of this project and plat. Provide additional right-of-way dedication at the Skyview Road cul-de-sac just north of Interstate-95. Right-of-way radius at this cul-de-sac should be 75’.

Any permits required for crossing of a regulated wetland or stream shall be obtained by the applicant prior to Departmental approval of a plat for record.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Stormdrainage easements must be separated from private stormwater management and access easements.

The applicant is required to supply a Protocol 3 Road Condition Survey of Skyview Road. See the Department of Public Works November 2004 Guidance Document for the survey and reporting criteria. The extent of the survey shall cover Skyview Road, from the site’s entrance to 5th Avenue. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information and an initial road improvements proposal is required prior to submittal for planning commission review of a preliminary plat. The Department will recommend that the Planning Commission disapprove the preliminary plat until this information has been submitted. In regards to the required offsite road improvements, the applicant/developer is responsible for all right-of-way acquisition and any costs associated with the same.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 8.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 8.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 8.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 8.4 Requirements for Utility relocations.
- 8.5 Requirements for Public Works Agreements.
- 8.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 8.7 Requirements for County Roads.
- 8.8 Requirements for Driveways.
- 8.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code requires that Skyview Road be upgraded to a Minor Road standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Skyview Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Skyview Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Chris Brown, (SCS) read comments and provided soil reports to applicant. You have shown on the plat, soil SRE around lot 1 & 6 and you need this on your soil data list.

Daniel Graham, Citizens Representative, reported no comment.

James Kyte, (Fire Chief Representative), said he is happy that a tank has been located on the property. Kyte asked if they have done any research and if not, he has some information for them.

Fred Von Staten, CC Department of Health, read their comments. See attached.

Applicant had questions regard statements of CC Department of Health and asked Di Giacomo if a footprint is required to be on the plat. Applicant said the final plat does not have house locations on them. Di Giacomo said yes, house footprints are required. Di Giacomo further stated when someone comes in to build, they must do their homework to see if there are repercussions. Much discussion ensued regarding the location of the home on the plat and what is required in Cecil County. Di Giacomo said the flow of water on the specific sites and well locations determine whether the location is a good one. Applicant said he had never seen a final plat with house locations on it and cannot understand how the buyer can be restricted to a space as located on this plat. As the drafter of this plan, I have indicated a sample dwelling location, not an actual dwelling. Di Giacomo said they have previously and currently had dwelling units on the plats and by the time it gets to final plat, everything has been checked and that may be a good site for the dwelling unit. It would be incumbent on the buyer to make sure any deviation would be consistent with the applicable codes. Applicant expressed his displeasure about not getting the information from the Health Department in a timely manner. Fred Von Staten said as things evolve in a project, things can change and that it is not the intent of the Health Department to make things more difficult for the applicant. Some of the numbering issues on the plat caused some of the problem. There are cases where as things evolve with the different agencies, things can change.

For the record, the US Army Corp of Engineers, Delmarva Power and SHA had no comments. Tony Di Giacomo read the comments of MDE and CCBoE.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac.

The Concept Plat, proposing 6 major subdivision lots (and 5 minor subdivision lots on 8.73 acres) on 30.60 acres for a density of 1/5.1, was approved on 5/17/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat; and
- 2) Documentation of the completed JD being submitted prior to the Planning Commission's review of the Preliminary Plat.

Bonus density was not sought.

15% common open space is required; 15.66% is proposed. The fire suppression tank has been shown in common open space near the entrance. If the landscaping island in the cul-de-sac is proposed to be common open space, then it must be labeled and its acreage must be included in the common open space aggregate acreage.

The boundary line survey has been completed, per Note # 1. Has a signed and sealed copy been submitted for the file? Applicant does not know and will need to follow up on this.

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.¹⁷ Steep slopes have been shown.

Stream and wetland buffers 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. What progress has been made regarding the JD? Applicant said they have submitted for the JD, probably a month ago.

There are no habitats of rare, threatened, and endangered species on site.

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

Skyview Road is functionally classified as a local Road. Therefore, no Bufferyard Standard C is required along its frontage.

¹⁷ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A Bufferyard Standard A has been shown along the adjacent P. 29 property line. Since the dwelling locations on proposed Lots 8 and 9 are more than 300' away from said property line, the Planning Commission may waive the Bufferyard A requirement, per §22.4.d.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. The 10' street tree planting easement has been included on the plat, but has not been specifically labeled as such. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 5/2/06.

The PFCP, which must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Forest Conservation Regulations), has not been submitted.

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed road name Larson's 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 recorded lot placed in escrow for improvements prior to recordation.

Lots 1 and 2 must be denied access to Skyview Road, per Note # 8.

There are no 100 year floodplains associated with this site, as stated in Note #5.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with. This notice has not been included.

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

'05 School information:	Elementary	Middle	High School
	Leeds	Cherry Hill	North East
FTE	400	559	1151
Capacity	374	700	1104
% Utilization	107%	80%	104%

Meeting was adjourned at 2:40 p.m.

Respectfully submitted,
Kathleen O'Connell

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE

Wednesday, August 2 2006, 9:00 a.m.

**County Administration Building
107 North Street, Elkton, Maryland**

Present: Di Giacomo (CCP&Z), Curtis (CCDPW), Fred Von Staten (DEH), Daniel Graham, (Citizens Representative), Brown, (CCSCS), King (SHA), Latham (MDE), Kyte (FA), Woodhull (CCDPW), O'Connell (CCP&Z)

Absent: Cwiek (USACoE), Reynolds (Delmarva Power), Markwardt, CCBoE.

Tony Di Giacomo called the meeting to order at 9:02 a.m.

1) Lands of Albert Schultz, 27 Lots, Concept Plat, Baron Road, RJ Engineering Corporation, Fifth Election District.

Robert Blomquist, Tom Montgomery and Jeff Sellers appeared and presented an overview of the project. They are proposing one unit per acre with no road frontage and they will need to access through Stonebridge. There is an existing right of way to Baron Road.

John Curtis, CCDPW, read the comments of the department. 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 Department has questions whether the smaller lots proposed are capable of supporting a dwelling, well, and 10,000sf septic reserve area. Identify the connection to the stub street in Stonebridge. The Developer of this property will be responsible for the connection and all associated costs. What is the proposed disposition of the existing driveway access easement from this site to Baron Road? The Planning Commission in its approval of Stonebridge has required that this lane serve as an emergency services access. The applicant should be prepared to discuss this with the Planning Commission when the concept plat is submitted for their review. The 40' wide ROW is not acceptable to the Department. Change the ROW to 50'. With the density of housing proposed the Department will require a 30' pave width if closed section is used 7' wide shoulders if open section is selected. Any Road Code Variances must be requested prior to Preliminary Plat submittal to TAC. How will quantity control be addressed for the stormwater runoff from the western side of this development? Lots 9-14 abut Lot 14 of Stonebridge.

SWM facilities must be located in common open space. The Department will not approve locating them on individual lots in a subdivision of this size.

As this subdivision is proposed to connect to and use Falling Water Drive as access to Bethel Church Road, the Developer will be responsible for sharing in the costs of all off site road improvements identified for the Stonebridge development.

Bethel Church Road currently meets a Minor Road standard and is an overlaid tar and chip road in section. The Minor Road classification is designed to handle an ADT of less than 500. Recent traffic counts indicate an ADT 700^{+/-} with no new development impacting Bethel Church Road. At an ADT of 700^{+/-} the roadway width and section are marginal, at best, for supporting the current traffic loading. With the addition of 33 houses of this Development the ADT is expected to rise to 1030^{+/-} and would reach 2700^{+/-} when Bethel Springs and Bedrock developments are completed. The Department considers Bethel Church Road inadequate for that traffic load. The developer, The Department will consider some modifications to the Minor Collector Road standards where necessary to meet site constraints and encourage creative solutions. The Department expects that most of the required improvements would be achievable within the existing Proscriptive Right of Maintenance. These improvements would consist of but not necessarily be limited to widening, repair and/or establish shoulders, and improve roadside drainage. The extent of this upgrade, at a minimum, would be from the intersection of Falling Water Drive and Bethel Church Road to the Bethel Church Road/Marysville Road intersection. The timing of the off-site work will be determined by the Department.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 10.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 10.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 10.3 Requirements for Utility relocations.
- 10.4 Requirements for Public Works Agreements.
- 10.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 10.6 Requirements for County Roads.
- 10.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
 - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The internal street grade leaving Bethel Church Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Fred Von Staten, CC Department of Health, read their comments. See attached. Von Staten asked if the roads would be curb and gutter. Applicant said they did not plan to have curb and gutter. Discussion ensued regarding the need to coordinate with Stonebridge

Chris Brown, SCS, read their comments and provided reports to applicant.

Daniel Graham, Citizens Representative, reported no comment.

James Kyte, (Fire Chief Representative), asked if they are considering a fire suppression tank. Applicant said they are not and they do not know what has been arranged with Stonebridge. Montgomery said they have one at Bedrock that is within a mile of this project. Kyte would like to see 4 parking places per household to give the fire department access.

Cynthia Latham, MDE, said they will need a water appropriation permit before final plat. She also asked if they could separate the wells more.

Butch King, SHA, was not yet present; however, this project is not located on a state road.

For the record, the US Army Corp of Engineers and Delmarva Power had no comments. Tony Di Giacomo read the comments of CCBBoE (see attached) and asked for the size, price range and start date. Montgomery said 2000 sf, 3-4 bedroom homes, unknown price and they would begin within a year of final approval.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: DR

Density: The DR zone permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 4/1 permitted. This Concept Plat proposes 27 lots, a looped street, and 4.05 acres of common open space on 27.00 acres, for a proposed density of 1/1.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹

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) or its equivalent must be done prior to preliminary plat review by the Planning Commission.²

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

15% common open space is required; 15% 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. The C.O.S. sensitive areas thresholds must be calculated for inclusion 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 in the DR zone.

No Bufferyard Standard C is required, essentially because this project has no road frontage. The unnamed looped road would access Bethel Church Road through the proposed Stonebridge subdivision. That access must be shown more clearly on any plat submitted for review by the Planning Commission, and the access must be aligned exactly with the stub road depicted on the most recent Stonebridge plat.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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.

¹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

² 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 or the large lot, a **JD** need not be done.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

What will be the disposition of the existing structure on proposed Lot 2? Applicant said he thinks it will be demolished and removed. There is a newer ranch house they would like to keep.

Why is the SWM area mostly on proposed Lot 21 rather than common open space? Blomquist said it can be shifted to the COS.

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

The 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.

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

The Master Water and Sewer Plan classifies this site as S1. Why, then, are private septic fields proposed? Applicant said their preference is to have sewer.

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

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

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

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

'05 School information:	<u>Elementary</u> Bay View	<u>Middle</u> North East	<u>High School</u> North East
FTE	490	851	1151
Capacity	556	821	1104
% Utilization	88%	118%	104%

2) Reynolds Farm, 34 Lots, Preliminary Plat, Telegraph Road (Route 273), Northern Bay, Fourth Election District

Mike Estes, Northern Bay Land Planning, appeared and presented an overview of the project. Discussion ensued regarding the issues with JD and further discussion of the court case involving issuance of permits and JDs was had. Di Giacomo provided an email from the USACoE regarding JDs to applicant.

John Curtis read the comments of CCDPW. 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 Master Water & Sewer Plan must be amended to include this property. The proposed shared septic facility is a first for a development of this size. With the uniqueness of this approach and the limited time available to provide the review of its technical merit the Department will not recommend Planning Commission approval this preliminary plat if it is submitted for their review in August. However the Department recommends that if the Developer goes forward to the August Planning Commission it is for an extension of the concept plat. This will allow time for the level of review a first of its type shared facility demands. A September submittal to Planning Commission should be possible.

In light of this the Department offers these comments:

- a. We strongly recommend that all 34 lots be provided with gravity sewer connection to a single sanitary sewer pump station located in a fee simple parcel owned by the Controlling Authority per Section 175.3.d.3 of the subdivision Regulations.
- b. Who do you propose as the Controlling Authority?
- c. Lot 15 of Wyn Lee at Fair Hill is immediately adjacent to & down gradient of the proposed septic drain field. The department has serious concerns that hydraulic failure may impact Lot 15.
- d. Identify the well location for Lot 15 to verify separation distance from the proposed drain field.

Why has the connectivity to Middlecroft Lane proposed in the concept plat been removed? The Department will support the layout as proposed conditioned on the following:

- e. Mackie Farm Drive be designed as a dual lane road with center-island from MD 273 to Bowman Way.
- f. The Developer extends Middlecroft Lane onto this site and terminates it in a cul-de-sac bulb.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. None have been received therefore the internal street design will comply with the Road Code

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.

How will quantity control requirements be addressed for Lots 24-34? Do you propose to use the existing pond, behind Lots 26-28, as part of your SWM system? If you do, an as-built, and a MD Licensed Professional Engineer's analysis of the pond and outfall condition & hydraulic performance must be submitted. The analysis must address any relevant MD 378 Pond Code criteria. The analysis submittal must be in the form of an engineering report, signed & sealed by a MD licensed P.E.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 10.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 10.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 10.3 Requirements for Public Works Agreements.
- 10.4 Requirements for Stormwater Inspection and Maintenance Agreements.
- 10.5 Requirements for County Roads.
- 10.6 Requirements for Driveways.
- 10.7 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
 - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving MD 273 may not exceed 5% within the limits of the intersection right-of-way.

6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
7. All sanitary sewer cleanouts must be located outside of paved/impervious areas.

Fred Von Staten, CC Department of Health, read their comments. See attached.

Chris Brown, SCS, read their comments and provided reports to applicant.

Daniel Graham, Citizens Representative, reported no comment.

James Kyte, (Fire Chief Representative), asked if they are considering a fire suppression tank. Applicant said they are going to recommend a tank and dry wells. Kyte also asked for sufficient turn around for the fire equipment. Applicant will look at this. Kyte also asked about curb and gutter and the 22' wide street and 4 parking places per residence.

Cynthia Latham, MDE, said a water appropriation permit will be necessary.

Butch King, SHA, said they will need a permit and all regulations of SHA must be met. See comments attached.

For the record, the US Army Corp of Engineers and Delmarva Power had no comments. Tony Di Giacomo read the comments of CCBoE and asked for the size, price range and start date of the project. Applicant said he thinks 2500 sf, unknown price range, 3-4 bedrooms and construction within a year or year and one half, but most likely two years. Applicant said they have requested an easement for sewer and Von Staten said this had been referred back to MDE. Discussion ensued regarding keeping an agriculture large lot on the property which applicant wants to keep at least 50 acres.

Tony Di Giacomo read the comments of CC P&Z. This project was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

Zoning: NAR

Density: The Concept Plat, proposing 56 lots on 170.29 acres, for a proposed bonus density of 1/3.04, was approved on 10/20/03, conditioned on:

- 1) A boundary line survey being completed prior to Preliminary Plat review by the TAC;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The Bufferyard C requirement along MD 273 being waived in favor of a modified Bufferyard A along the northern boundaries of proposed Lots 2-8 & 47.

§4.0.9 of the Subdivision Regulations provides that Concept Plats shall be valid for two years from date of approval. Therefore, a Concept Plat extension was sought and granted for one year by the

Planning Commission on 9/19/05. All previous conditions of Concept Plat approval remained in force.

Subsequently, on 11/21/05, the Planning Commission recommended approval of a proposed amendment to the Mater Water and Sewer Plan for a shared facility, with 4 conditions:

1. Professionally maintained system.
2. Clarity of ownership until build out of development.
3. Inspection and regulation of facility during and after construction.
4. Underground system.

On 12/6/05, the Board of County Commissioners voted to approve the amendment per the recommendation of the Planning Commission.

Has the boundary line survey been completed? Applicant said it has.

This Preliminary Plat contains some significant changes from the approved Concept Plat, including a new layout without any connectivity to Middlecroft Road. In addition, the common open space acreage has been increased from 51.64 (30%) to 80.47 acres (46.8%), and the number of proposed lots has been reduced from 56 to 34, resulting in a new, lower non-bonus density of 1/5.05. OPZ staff will support the recommendations of DPW.

Proposed Lot 1 is still designated the “large lot,” and it consists of 50.69 acres (29.5%), and together with the common open space comprise 76.3% of the acreage. Thus, this proposal satisfies the requirements of §175.2.k.

§175.3.c.1 requires that there be 10,000 ft² of subsurface disposal area set aside for each welling unit. While there are 34 proposed dwelling units, there is only 320,587 ft². Proposed lots 23 and 24 are proposed to have individual septic reserve areas. Why? Why is this not an all or nothing proposition for septic? Applicant said those two lots had good perks.

This proposal must fully comply with all provisions of §175, including §175.2.e, §175.2.i, and §175.2.l.

Notes 2 and 7 appear to be in conflict with one another.

The plat represents that there are no slopes in excess of 25% on site.

Stream and wetland buffers have been shown.

No stream or wetland impacts are proposed.³

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 or the large lot, a JD need not be done.⁴

³ Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation.

⁴ Otherwise, a Jurisdictional Determination (**JD**) must be done prior to Preliminary Plat review by the Planning Commission.

There are no habitats of rare, threatened, and endangered species on site.

While now a moot point, this proposal satisfies the bonus density eligibility requirements of the NAR zone. At least 15% common open space is required; 46.8% is proposed.

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

The Bufferyard Standard C requirement was waived at Concept Plat approval, in favor of a modified Bufferyard A in the interest of preserving rural character. The Bufferyard A on proposed lots 2-7 is consistent with that previous waiver.

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 10/8/03.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Forest Conservation Regulations).

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 road names "Bowman Way" and "Mackie Farm Drive" have been approved.

Access to common open space between and beside 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.

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

Applicant asked if they can come in with the existing Concept Plat to ask for an approval. Di Giacomo said as a courtesy, he recommends sharing the new design with the PC as well as the existing Plat. Applicant said there were some drainage issues pointed out on Middle RD. and by eliminating that we hope we have taken care of that problem.

'03 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Leeds	Rising Sun	Rising Sun
FTE	428	737	1065
Capacity	354	714	928
% Utilization	121%	103%	115%

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Leeds	Rising Sun	Rising Sun
FTE	400	702	1153
Capacity	374	785	1081
% Utilization	107%	89%	107%

3) Bayview Crossing, 39 Lots, Concept Plat, Biggs Highway (Route 274) and Theodore Road, Taylor, Wiseman, and Taylor, Fifth Election District.

John McAnally, Mike Pugh and Ed Carroll appeared and presented an overview of the project.

John Curtis read the comments of CCDPW. A SWM plan, Road & Storm Drain plan, Sanitary sewer collection and pumping system plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Closed section street design is required – see section 2.07 of the Road Code.

It is the Department’s understanding that the Town of North East will own the water distribution system in this development. Have you requested a water allocation from the Town of North East? Applicant said they have not. 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. All easements for the water lines must be reflected on the final plat.

The Developer is responsible to complete a public gravity sewer capacity analysis. The limits of this analysis shall begin at the site discharge location and cover the downstream collection system to the Interstate 95 Stony Run Interceptor crossing.

Lot 1 is denied access to Theodore Road and to Kettle Creek Drive except for approximately 50’ of frontage adjacent to lot 2. Lots 5 & 18 are denied access to Kettle Creek Drive.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. None has been received therefore the Department expects that all aspects of the Road Code will be met including accel/decel lane requirements on Theodore Road. The plat reflects that the minimum accel/decal lane lengths are not met.

Show sidewalk layout on the preliminary plat. Correct all plat spelling errors. Will this project be phased?

The applicant is required to supply sight distance measurements and a Protocol 2 Road Condition Survey of Theodore Road. The extent of the survey is to include Theodore Road, from Maryland

Route 274 to the site's southwest boundary corner. This subject portion of Theodore Road must be shown by the survey to meet Minor Collector Road standard R-7 or the applicant must propose and gain Department of Public Works' approval of an initial roads improvement proposal prior to submitting for preliminary plat review by TAC. Submittals have been received and are currently under review. The drainage easement between Lots 10 & 11 must be continued within the COS of the cul-de-sac bulb.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s).

If the existing wet pond is intended to serve a stormwater management function, then a geotechnical analysis of the embankment is required, along with a Maryland professional engineer's analysis of the pond and outfall structure condition and hydraulic performance. The pond analysis must address any relevant MD 378 Pond Code criteria. The analysis must be submitted to the Department of Public Works in the form of an engineering report, signed and sealed by a Maryland licensed professional engineer. If the pond is to be maintained by the HOA, but not perform a stormwater function, the lot deed restrictions must note the same.

Public Storm drainage easements must be separated from private stormwater management and access easements.

Who is proposed to maintain the emergency access and how do you propose to make this access functional and where does it connect to the internal road system? Has the emergency access width and location been agreed upon by the serving fire company and EMS?

Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval.

The sanitary sewer force main located between Lots 27 & 28 must be in a common open space or in fee simple County ROW and be provided with the required maintenance vehicle access.

The proposed sanitary sewer pump station must be located in a fee simple lot dedicated to the BOCC of Cecil County.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 16.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 16.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 16.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 16.4 Requirements for Utility relocations.
- 16.5 Requirements for Public Works Agreements.
- 16.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 16.7 Requirements for County Roads.
- 16.8 Requirements for Driveways.
- 16.9 Requirements for Final Plat - Public Water and Sewer Allocation.
- 16.10 Requirements for Sewer Service Cleanouts – Location.

16.11 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Final Plat:* “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
 - c. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Theodore Road be upgraded to a Collector Road, Cecil County Road Code Standard R-7 for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Theodore Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Developer must request and obtain a public sewer allocation from the Department of Public Works and a public water allocation from the Town of North East before submitting a final plat to the Cecil County Planning Commission for approval.
10. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
11. Applicant must provide stopping sight distance measurements for the Theodore Road access to DPW prior to preliminary plat submittal. Mark the proposed Theodore Road entrance location in the field by a survey stake or paint.

Fred Von Staten, CC Department of Health, read their comments. See attached.

Chris Brown, SCS, read their comments and provided reports to applicant. He also asked that they improve their soils delineation line.

Daniel Graham, Citizens Representative, reported no comment.

James Kyte, (Fire Chief Representative), said as stated by DPW, let the local fire station help with fire hydrants.

Cynthia Latham, MDE, said appropriation permit is required.

Butch King, SHA, said they have no comments. Applicant asked about access for emergency to 272. King suggested they not use it.

For the record, the US Army Corp of Engineers and Delmarva Power had no comments. Tony Di Giacomo read the comments of CCBoE and asked for the size, price range and start date of the project. Pugh said 2500-3000 sf, entry level pricing and two years for start of construction.

Tony Di Giacomo read the comments of CC P&Z. This proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: SR

Density: The SR zone permits a base density of 1 du/ 1 ac, 2/1 with community facilities. Note # 6 indicates that public water and sewer will be provided. This Concept Plat proposes 39 lots and 6.9 acres of common open space on 23.5 acres, for a proposed density of 1.66/1.

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

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

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.⁶

At least 15% common open space is required; 29.36% is proposed. Are any active recreational amenities planned? Applicant said no.

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

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

⁶ 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 or the large lot, a **JD** need not be done.

species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must again be included on the Preliminary Plat.

20% landscaping of the development envelope is required.

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

The minimum SR zone lot size is 12,000 ft² and the setbacks are 30-10-40. The dimensions of the typical lot schematic work out to only 7,475 ft², which is confusing. Also, the word “minimum” has been misspelled.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 274, Old Bay View, and Theodore Roads.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. None is show in the schematic. 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 11/15/05. A sensitive species survey has been conducted. No habits of rare, threatened or endangered species are present.

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The proposed road names have been approved.

§7.2.12.E.4 requires 450' of separation between intersections on County roads. Although adjacent Parcel 70 does have some, limited road frontage, because the two access points would be separated by only approximately 100', this design includes future stub access to Parcel 70 off of the proposed Kettle Creek Drive.

A Traffic Impact Study (TIS) was received under the name Bayview 23. It is under review.

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

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

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

The Record 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/homes offered for sale.

Documentation of all necessary easement agreements with AT&T will be required prior to the Planning Commission's review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of 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.

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

McAnally asked for suggestions regarding lot sizes. Di Giacomo said the minimum is 12000 sf. He also suggested a note on the plat to show it is a revised plat.

'05 School information:	<u>Elementary</u> Bay View	<u>Middle</u> North East	<u>High School</u> North East
FTE	490	851	1151
Capacity	556	721	1104
% Utilization	86%	118%	104%

4) Bayview Crossing, 39 Lots, Preliminary Plat, Biggs Highway (Route 274) and Theodore Road, Taylor, Wiseman, and Taylor, Fifth Election District.

Mike Pugh, Bob McAnally and Ed Carroll appeared and said he will wait for comments as this is a continuation of the plat just reviewed. Pugh asked if the revised Concept is consistent with the approved concept. Di Giacomo said they are coming in at a higher density.

John Curtis read the comments of CCDPW. The same comments apply to the Preliminary plat and we request they be considered as read and be included in the minutes.

A SWM plan, Road & Storm Drain plan, Sanitary sewer collection and pumping system plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Closed section street design is required – see section 2.07 of the Road Code.

It is the Department's understanding that the Town of North East will own the water distribution system in this development. Have you requested a water allocation from the Town of North East? Pugh said they have not. 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. All easements for the water lines must be reflected on the final plat.

The Developer is responsible to complete a public gravity sewer capacity analysis. The limits of this analysis shall begin at the site discharge location and cover the downstream collection system to the Interstate 95 Stony Run Interceptor crossing.

Lot 1 is denied access to Theodore Road and to Kettle Creek Drive except for approximately 50' of frontage adjacent to lot 2. Lots 5 & 18 are denied access to Kettle Creek Drive.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. None has been received therefore the Department expects that all aspects of the Road Code will be met including accel/decel lane requirements on Theodore Road. The plat reflects that the minimum accel/decel lane lengths are not met.

Show sidewalk layout on the preliminary plat. Correct all plat spelling errors. Will this project be phased?

The applicant is required to supply sight distance measurements and a Protocol 2 Road Condition Survey of Theodore Road. The extent of the survey is to include Theodore Road, from Maryland Route 274 to the site's southwest boundary corner. This subject portion of Theodore Road must be shown by the survey to meet Minor Collector Road standard R-7 or the applicant must propose and gain Department of Public Works' approval of an initial roads improvement proposal prior to submitting for preliminary plat review by TAC. Submittals have been received by DPW and are currently under review.

The drainage easement between Lots 10 & 11 must be continued within the COS of the cul-de-sac bulb.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s).

If the existing wet pond is intended to serve a stormwater management function, then a geotechnical analysis of the embankment is required, along with a Maryland professional engineer's analysis of the pond and outfall structure condition and hydraulic performance. The pond analysis must address any relevant MD 378 Pond Code criteria. The analysis must be submitted to the Department of Public

Works in the form of an engineering report, signed and sealed by a Maryland licensed professional engineer. If the pond is to be maintained by the HOA, but not perform a stormwater function, the lot deed restrictions must note the same. Applicant asked if this is prior to final as the pond will function as a drainage way. Curtis said they will get back to applicant.

Public Storm drainage easements must be separated from private stormwater management and access easements.

Who is proposed to maintain the emergency access and how do you propose to make this access functional and where does it connect to the internal road system? Has the emergency access width and location been agreed upon by the serving fire company and EMS? Pugh said they showed the emergency access on the original approved Concept Plat. You have the comments from the SHA regarding the emergency access. The access runs down the property lines of lots 21 and 22. It will be the responsibility of the HOA to maintain.

Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval. Pugh wanted to verify that Curtis is speaking of Final.

The sanitary sewer force main located between Lots 27 & 28 must be in a common open space or in fee simple County ROW and be provided with the required maintenance vehicle access. McAnally asked if this could be an easement and maintained by the owners on either side. Curtis said he will get back to applicant on this issue.

The proposed sanitary sewer pump station must be located in a fee simple lot dedicated to the BOCC of Cecil County.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 16.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
- 16.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 16.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 16.4 Requirements for Utility relocations.
- 16.5 Requirements for Public Works Agreements.
- 16.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 16.7 Requirements for County Roads .
- 16.8 Requirements for Driveways.
- 16.9 Requirements for Final Plat - Public Water and Sewer Allocation.
- 16.10 Requirements for Sewer Service Cleanouts – Location.
- 16.11 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

- 1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.

- a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Final Plat:* “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
 - c. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 3. Section 3.07.15 of the Road Code requires that Theodore Road be upgraded to a Collector Road, Cecil County Road Code Standard R-7 for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
 4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
 5. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
 6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Theodore Road may not exceed 5% within the limits of the intersection right-of-way.
 8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
 9. Developer must request and obtain a public sewer allocation from the Department of Public Works and a public water allocation from the Town of North East before submitting a final plat to the Cecil County Planning Commission for approval.
 10. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
 11. Applicant must provide stopping sight distance measurements for the Theodore Road access to DPW prior to preliminary plat submittal. Mark the proposed Theodore Road entrance location in the field by a survey stake or paint.

Fred Von Staten, CC Department of Health, read their comments. See attached. These comments are basically the same as the previous review.

Chris Brown, SCS, had no additional comments.

Daniel Graham, Citizens Representative, reported no comment.

James Kyte, (Fire Chief Representative), asked about the slope and the driveway. McAnally said they will try to get to a slope that will be more reasonable.

Cynthia Latham, MDE, had no additional comments.

Butch King, SHA, said the only addition is that the emergency access to 274 must be for emergency only.

For the record, the US Army Corp of Engineers and Delmarva Power had no comments.

Tony Di Giacomo read the comments of CC P&Z. This proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: SR

Density: The SR zone permits a base density of 1 du/ 1 ac, 2/1 with community facilities. Note # 6 indicates that public water and sewer will be provided. The Concept Plat upon which this Preliminary Plat is based has not been approved. It proposes 39 lots and 6.9 acres of common open space on 23.5 acres, for a proposed density of 1.66/1.

The boundary line survey has been completed.

Steep slopes have been depicted. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁷

Stream and wetland buffers have been depicted. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. What is the status of the JD? It must be done prior to preliminary plat review by the Planning Commission.

At least 15% common open space is required; 29.36% is proposed. Any active recreational amenities must be included in the Public Works Agreement.

The C.O.S. sensitive areas thresholds must have been included.

20% landscaping of the development envelope is required.

Sidewalks are recommended on at least one side of all internal roads. The dimensions of the typical lot schematic on sheet 2 work out to only 7,475 ft², which is confusing. Also, the word "minimum" has been misspelled.

The minimum SR zone lot size is 12,000 ft² and the setbacks are 30-10-40.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 274, Old Bay View, and Theodore Roads.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. None have been depicted. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD was approved on 11/15/05. A sensitive species survey has been conducted. No habits of rare, threatened or endangered species are present.

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

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The proposed road names have been approved.

§7.2.12.E.4 requires 450' of separation between intersections on County roads. Although adjacent Parcel 70 does have some, limited road frontage, because the two access points would be separated by only 100', this design includes future stub access to Parcel 70 off of the proposed Kettle Creek Drive.

A Traffic Impact Study (TIS) was received under the name Bayview 23. It is under review. Have the required 5 copies been sent to SHA? McAnally said he will check into this.

Fire hydrant locations must be finalized in consultation with the Department of Public Works and the North East Fire Company.

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

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

The Record 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/homes offered for sale.

Documentation of all necessary easement agreements with AT&T will be required prior to the Planning Commission's review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of 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.

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

'05 School information:	<u>Elementary</u> Bay View	<u>Middle</u> North East	<u>High School</u> North East
FTE	490	851	1151
Capacity	556	721	1104
% Utilization	86%	118%	104%

5) Canal View Estates, Section 2, Phase 1, Lots 4, 5, 19, 38-53, and Common Open Space, Preliminary Plat, Biddle Street (Route 285) and Knights Corner Road, Vollmer Associates, Second Election District.

Mike Pugh and Joel Comando appeared and presented an overview of the project which is an abbreviated view of Canal View Estates and are asking for review of these 19 lots.

Mark Woodhull, DPW, joined the meeting.

John Curtis read the comments of CCDPW. Knights Corner Road is restricted to 12,000lb vehicles. All construction traffic over 12,000 lb may only access the site from MD Route 285.

The Knights Corner Road Bridge over Long Branch is currently reduced to one-way traffic, with no weight restriction. At this time the project to replace the bridge is in the Capital Improvements Project list for FY2008.

The Applicant must confirm, to this Department, the type of ROW (fee simple, road widening easement, etc...) provided on Knights Corner Road by the previous major subdivision plats for this subdivision. If any fee simple ROW strips originally intended to be conveyed to the County have not already been conveyed, the Applicant is requested to convey the same.

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.

How do you intend to incorporate existing SWM from the previously approved portions of this development into the SWM plan for the proposed Section? Do you intend to use any existing SWM facilities? The April 2003 Aerial Photo 13-261 indicated a pond exists on the site identified here as proposed SWM Area southwest of the Canal Estates Drive cul-de-sac. The approved Final Plat for Lots 24-37 of Canal View Estates indicates that a 20' wide Drainage Easement exists between Lots 33 & 34 directing runoff to this same area.

In design, the engineer should address the proposed development's stormwater runoff impacts on MD Route 285 and downstream properties along the south side of MD Route 285 including but not limited to Parcels 370 & 411 on Tax Map 43 and the COE property (C&D Canal). Due to the close proximity of the proposed SWM ponds and the adjoining homes this must include the 100-year storm or through downstream analysis of both the pre & post 100-year storm clearly identify no adverse impact on receiving properties.

A TIS is recommended. The TIS must address the impacts of the additional traffic generated by the proposed 72 lots on Knights Corner Road and Elk Forest Road.

No Road Code Variance has been received therefore the Department expects that the road design will adhere to the of the Road Code in all aspects.

When this subdivision is extended to connect to Knights Corner Road the following comments will apply:

- a. With the addition of the approximately 720 ADT generated by this development, the requirements of Section 3.07.15 of the Road Code be applied to the intersection of Knights Corner Road with Bridge View Drive. This requires that Knights Corner Road be upgraded to Minor Collector road standard for 100' either side of the intersection. Acceleration and deceleration lanes must be provided at this intersection in accordance with the Road Code, applicant is responsible to obtain any necessary right-of-way. The DPW requires that a road condition survey be done for the existing portion of Bridge View Drive. This must include at a minimum 2 cores on pavement depths only. This report may be submitted following preliminary plat but before street design submittal. Any additional pavement overlay to existing portions of Bridge View Drive will be the applicant's responsibility and is to be itemized within the PWA.
- b. The Applicant must also address roadside ditch improvements along Knights Corner Road on the east side in the area of Lots 6 & 17.

The disposition of the existing Foard Farm Lane must be identified on the plat.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 11.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 11.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 11.3 Requirements for Public Works Agreements.
- 11.4 Requirements for Stormwater Inspection and Maintenance Agreements.
- 11.5 Requirements for County Roads.
- 11.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. A Public Works Agreement is required for the streets & storm drainage constructions.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. All aspects of the Road Code apply.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Fred Von Staten, CC Department of Health, read their comments. See attached.

Chris Brown, SCS, read their comments and provided reports to applicant.

Daniel Graham, Citizens Representative, reported several comments from citizens.

Mr. Joe Bailey commented about the SWM and water coming down the swale on Biddle Street on the 2nd page. The water is coming onto Mr. Bailey's property. The drain for Biddle Street is underground and he is concerned that more water will be coming down onto his property. He is already talking to the State to get the pipe extended. He is hoping that the engineering will take care of this. Pugh said they will take this into consideration in design engineering. Graham said when the grass is high it slows the water coming down.

Bob Herschfeld's letter was read by Graham. See attached.

Letter from Nick Blendy was read by Graham. Mr. Blendy has concerns about increased traffic on Biddle Street and all his comments from PC meeting would also apply to this meeting regarding this project. He would like to see access denied to Biddle Street. He also has concerns about septic and particularly Lot 6. He recalls that last years approval was with the comments and approval of the town and he questions if this has been done this year. See letter attached.

James Kyte, (Fire Chief Representative), asked what kind of fire suppression they plan. Pugh said they would place a drafting tank if they are dealing with wells and septic. Kyte asked if there are talks going on with the town of Chesapeake City. Pugh said they are talking. Kyte said he would like to see a drafting tank. He also asked about 22' streets and asked about the shoulders of the open road sections. Pugh said most of these are close to one acre lots and parking should not be a problem.

Cynthia Latham, MDE, said a water appropriation permit will be required.

Butch King, SHA, read the comments of the SHA. See attached.

For the record, the US Army Corp of Engineers and Delmarva Power had no comments. Tony Di Giacomo read the comments of CCBoE and asked for the size, price range and start date of the project. Pugh said 2500 to 3500 sf, \$350 to \$500,000 and in a couple of years.

Tony Di Giacomo read the comments of CC P&Z. This project was found to be in compliance with §3.8 of the Subdivision Regulations, regarding public notification signs.

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

Zoning: NAR, RCA, LDA

The original Concept Plat,⁸ approved in February of 1989, showed this area as remaining lands. The revised Concept Plat (consistent with the February 1989 density approval, the LDA density of 3.99/1, and the RCA density of 1/20) proposing 72 lots on 207.9 acres, for a proposed density of 1/2.89, was approved on 1/18/05, conditioned on:

- 1) A Traffic Impact Study (TIS) being completed 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) The Plat's being submitted to the Town of Chesapeake City for review and comment;
- 4) Town Zoning being cited on the Plat;
- 5) The acreage of the property within the Town being cited on the Preliminary Plat;
- 6) Adjacent County and Town Zoning being indicated on the Preliminary Plat; and
- 7) It being verified that the 15% common open space requirement is being satisfied by County rather than Town acreage.

A similar Preliminary Plat for proposed Lots 4,5,19 & 38-106 was reviewed by the TAC on 5/3/06. There are no proposed Lots 54-106 included on this plat; however, the lot numbering scheme has been changed. What is now proposed corresponds roughly to what previously were proposed Lots 51-58, 71-82 & 84. Therefore, where 21 lots were previously proposed, only 19 are now proposed on that same footprint – none of which is situated within the Critical Area, except for 2.43 acres of the proposed Shipmaster Drive.

Site Data Note # 2 again indicates that there are 213.97 acres. At the 5/3/06 TAC review, the applicant was asked what accounts for the increase from the 207.9 acres cited on the Concept Plat and the decrease from 217.5 (again) cited in the density tabulation box? The applicant then responded that that would be checked. What are the results? The information in the site data is correct based on the survey that was done.

The required TIS⁹ is under review. Have the questions posed on 7/11/06 by CCDPW been responded to? Pugh said he does not know what questions they are referring to. If they are speaking to the Knights corner road issues, Woodhull said that would be brought into effect later. Woodhull said he will verify what the questions were and get back to Mr. Pugh with any questions.

Daniel Graham said Nick Blendy just gave Graham an additional letter to be read and included in the minutes. See attached. Di Giacomo said he wanted to restate procedural items regarding the fact that TAC makes no decisions and there is nothing in the subdivision regulations that prevents an applicant from coming back to TAC with a Preliminary Plat which is at least part of the approved Concept Plat.

⁸ Concept Plats approved prior to July 25, 1989 remain valid.

⁹ Condition # 1 of the 1/18/05 Concept Plat approval was that a TIS be completed prior to TAC review of the Preliminary Plat.

Pugh said he needed additional verification regarding the lot issues and the numbering issues.

Condition # 6 of the 1/18/05 Concept Plat approval was that adjacent County and Town Zoning be indicated on the Preliminary Plat. Where is that indication? Di Giacomo said this needs to be on the Plat.

Condition # 7 of the 1/18/05 Concept Plat approval was that it be verified that the 15% common open space requirement is being satisfied by County rather than Town acreage. On the previous Preliminary Plat submission, the Site Data Table on the T1 cover sheet indicated that 60.72 acres of common open space were proposed, yet the 37.42 acres then shown on sheet 1 and sheet 3's 15.54 acres totaled only 52.96. 15% of 213.97 acres is 32.09 acres; only 2.5 acres of common open space is proposed for Section 2 Phase 1 – all of it in the County. If approved, future sections/phases must provide the deficit to at least meet the minimum requirement.

The applicant is again reminded that conditions of approval are requirements, not mere suggestions.

The 2.5 acres of common open space are proposed to accommodate one of three SWM areas shown. Will the other two SWM areas serve these proposed lots, and, if so, why haven't they been included in this submission? They have not been included as there is still some uncertainty about lot layout. TD asked if they will serve those lots. Applicant said they will. Di Giacomo said then they need to be on the plat.

The Lot Data Table on sheet T1 indicates that lot 95 is 38.93 acres in size, but Note # 13 in the Site Data column indicates it is 24.95 acres. What accounts for this discrepancy?

Sheet S2's schematic depicts a "1.37 acre lot to be converted to Atlantic Broadband." The Lot Data Table on sheet T1 does not contain a single 1.37-acre lot. As stated at previous reviews of this project, all acreage must be accounted for accurately.

The land reserved by owner is cited as 26.93, 16.93, and 21.97 acres. How do those varying acreages relate to one another?

What is intended by Atlantic Broadband, and will it require a Special Exception?

This property was proposed to be annexed into the Town of Chesapeake City. Have those plans changed? Why?

This Preliminary Plat is generally consistent with the 1/18/05 and the Feb. 1989 Concept approvals, but specific details are in question, and at least one condition of approval has not been satisfied.

Has the boundary line survey been completed?

No lots are proposed in either the LDA or RCA in Section 2, Phase 1. 3 lots are proposed on the 46.20 33.1 acres in the LDA portion of the site for a density of 1/14.50. The previously-cited acreage was 33.1; what accounts for the change?

1 lot is proposed on 59.53 59.9 acres in the RCA portion of the site for a density of 1/59.53. The previously-cited acreage was 59.9; what accounts for the change?

No slopes greater than 15% and 25% have been shown in Section 2, Phase 1. 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.¹⁰

Stream and wetland buffers 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. As was a condition of Concept approval, a JD must be completed prior to Preliminary Plat review by the Planning Commission. What is the status of the JD?

Pugh said he will have to get back with TAC on that issue. He is not sure of the status.

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

In the LDA and RCA, impervious surfaces shall be limited to 15% of the gross site. Within the Critical Area, clearing of up to 20% of the forest or developed woodland may be removed if one to one replacement is achieved.

No building or other structure shall exceed 35 feet in height in the Critical Area.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Knight's Corner Road and Biddle Street (MD 285).

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Why is no 10' street tree planting easement shown? Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD and a conceptual environmental assessment were approved on 1/18/05. Per condition #7 of the 3/21/95 Section 4 approval, Section 4's area outside the Critical Area must now address Forest Conservation Regulations. In addition, the requirements of Special Exception # 2271, should the property transfer outside of the ownership of the Foard family, the manufactured home located on the site must be removed.

The PFCP and preliminary environmental assessment have not been submitted. They must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations); what is their status? Pugh will check on this.

The FCP, Landscape Plan, and Environmental Assessment 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.

The §3.2.B exemption for those areas in the Critical Area must be cited on the plat.

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

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.

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.

Proposed Lots 4 and 5 shall be denied access to MD Route 285. Proposed Lot 95 shall be denied access to Knights Corner Road.

The contiguous operating farms notice has been provided on the plat. This Preliminary Plat has unsatisfied conditions of Concept approval, inconsistencies, and unanswered questions. After such deficiencies have been remedied, a revised version must be reviewed by the TAC prior to submission to the Planning Commission. If a Preliminary Plat is submitted to the Planning Commission without first having been reviewed by the TAC after all conditions of Concept approval have been satisfied, then it will not be accepted and returned to the applicant.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month. It would be good for applicant to have the PFCP approved as early as possible.

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Chesapeake City	Bohemia Manor	Bo Manor
FTE	283	535	691
Capacity	308	540	689
% Utilization	92%	99%	100%

6) Browning Creek, 47 Lots, Concept Plat, Route 213 and Bohemia Church Road, Vollmer Associates, First Election District

Fred Orr, PE with Vollmer and Cindy King, Project Manager with Vollmer appeared and presented an overview of the project

Di Giacomo had questions regarding Orr's statement of 5 lots being in critical area as Di Giacomo only sees 3. Orr said they anticipate some outbuilding in 46 and 47 and that is why they included those lots in the critical area. Di Giacomo said what Orr is referring to is actually critical area boundary and not critical area. Orr will make the necessary changes to the nomenclature.

Mark Woodhull read the comments of CCDPW. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. We will need the geotech evaluation of any wetland stream crossing provided with the road design.

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

What consideration has been given to connectivity between Lots 1-35 & 42-47? Why isn't the mini road brought off of the proposed internal street in this subdivision? The intent is not to have these interconnect to the other part of the project and thus to preserve the character they are suggesting a private mini road. This could result in as much as 3100' of mini road and will require pull offs every 1000 ft.

Stopping sight distance measurements for the Bohemia Church Road must be submitted for review prior to preliminary plat submittal to TAC. Mark the proposed access centerline in the field prior to Preliminary Plat.

The proposed private mini road is approximately 3,100' long and requires intermediate pull offs located at 1200' intervals per the Road Code.

How will SWM quantity control be addressed for Lots 41-47? Orr said they will attempt to do this non-structurally if possible.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time: Woodhull emphasized that even though the standard notes are not read, this does not make them less important.

- 7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 7.4 Requirements for Utility relocations.
- 7.5 Requirements for Public Works Agreements.
- 7.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 7.7 Requirements for Private Mini Roads.
- 7.8 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Chandlee Road must be upgraded to a Minor Road Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the Private Mini Road construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The Private Mini Road must comply with Section 2.13 of the Road Code.
8. Applicant must provide stopping sight distance measurements for the Chandlee Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Fred Von Staten, CC Department of Health, read their comments. See attached.

Chris Brown, SCS, read their comments and provided reports to applicant.

Daniel Graham, Citizens Representative, reported comments from Catherine Jester (see attached) with her concerns about the project, the water table, traffic, etc. Another comment was from Mrs. Manlove and addressed the issues of SWM or lack thereof on 213. She feels it would only become worse with this development. Garret Billmire also provided a letter with his concerns regarding environmental impact, presence of septic systems and drainage to Bay, limited sight distance problems, etc. (see attached)

James Kyte, (Fire Chief Representative), asked if fire suppression was planned. Applicant said none was planned at this time. Kyte requested that they plan a suppression tank. He also asked for a pull off so they can reach most of the homes from the tank.

Cynthia Latham, MDE, said a water appropriation permit will be required and may require public notice.

Butch King, SHA, said they need the entrances staked to check the sight distances and they want to see a single access. Orr said they have shown two access points to comply with the County requirements. Di Giacomo said sometimes the PC opts for a monumental entrance in lieu of dual access. King said access at lot 36 would give the better sight distances. He additionally said they would need a left turn analysis. See comments attached. King asked what was proposed for lot 41. Kyte said they would need a way to turn around if there is one access. Orr said they will show a fire suppression tank on the Concept Plat and plan for enough space for fire equipment to turn around.

For the record, the US Army Corp of Engineers and Delmarva Power had no comments. Tony Di Giacomo read the comments of CCBoE and asked for the size, price range and start date of the project. Orr said that has not been determined as yet. They have had discussions of 2500 sf and value would be market driven. The lots would sustain 4000 to 5000 sf homes. Construction would begin right away.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat proposes 4 minor subdivision lots at a stated density of 1/1, 43 major subdivision lots and 76.04 acres of common open space on the remaining 350.94 acres, for a proposed density of 1/8.16.

The RCA overlay zone permits a density of 1/20. Five lots (43-47) are proposed in the Critical Area (RCA) on 112.14 acres, for a proposed Critical Area density of 1/22.43. Lots 43 & 44 are proposed entirely outside the expanded Critical Area Buffer/Expanded Buffer.

Note # 16 indicates that a portion of the site is within the 100-year floodplain; however, the floodplain boundary is not shown 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.¹¹

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹² 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) or its equivalent must be done prior to preliminary plat review by the Planning Commission.¹³

The habitats of rare, threatened, and endangered species must be avoided. Are there any habitat protection areas? Orr said to his knowledge there were none.

15% common open space is required; 21.4% is proposed.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of roads. Note # 19 indicates that a modification, as depicted on the plat, is proposed.

The strip of common open space obviates the need for any Bufferyard Standard A along the northern property line.

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.

¹¹ Should any variance application to create a building site in the 100-yr. 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."

¹² The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹³ 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 or the large lot, a JD need not be done.

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

TD asked what would happen with COS. Discussion ensued regarding removing the strip next to lot 47 and still being in compliance.

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).

The Preliminary Forest Conservation Plan (PFCP)/preliminary environmental assessment must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (FCP) and Landscape Plan and environmental assessment must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

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.

As for the Topographic information, was a field run performed? Orr said this was taken from USGS. TD said Staff recommends a field run topo, per §4.1.22 (i).¹⁴

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

The 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.

¹⁴ Estimation from USGS data is permitted but not interpolation.

Why is it that the proposed mini-road has no mid-block turn-arounds? This has already been addressed.

Access to common open space between and beside 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 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 is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Orr asked for clarification of the topo requirements and Di Giacomo explained..

' 05 School information:	<u>Elementary</u> Cecilton	<u>Middle</u> Bo Manor	<u>High School</u> Bo Manor
FTE	297	535	691
Capacity	325	540	689
% Utilization	88%	99%	100%

Di Giacomo called a 5 minute recess.

King and Kyte left the meeting at this point.

7) Chandlee Mill, Lots 1 & 2, Preliminary Plat, Chandlee Road, McCrone, Inc., Ninth Election District

Mike Burcham and H. Clay McDowell appeared and presented an overview of the project. The property has some seasonal testing to be done on lots 3 & 4, so they are only here for lots 1 & 2. Burcham had questions about the layout and some changes they want to make to the layout. Di Giacomo asked if they are looking at a side building restriction. Burcham said they are and Di Giacomo said P&Z could probably support that. Burcham additionally said they would ask for a waiver of the bufferyard A on lot 2. Di Giacomo said the PC does not have the right to waive the bufferyard requirement. If the existing vegetation can absorb the bufferyard, it might not be an issue. Additional discussion ensued regarding the bufferyard requirement.

Mark Woodhull read the comments of CCDPW. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.

The Chandlee Road frontage dedication note must read “Strip of land to be dedicated in fee simple to the Board of County Commissioners of Cecil County” and applies to the entire road frontage of this property.

How will SWM quantity control be addressed for these two lots? This has not been determined at this time per Mike Burcham.

The Department has made a site visit to determine in general if sight distance issues exist. This is not to be misconstrued as approval of final sight distance requirements for this project. Stopping sight distance measurements must still be submitted for review.

No sight distance submittal for the proposed drive access location has been provided. A formal submittal must be received prior to submitting for Planning Commission approval.

Lots 1 & 2 must share a common driveway access onto Chandlee Road. Lot 1 must be denied access to the remainder of its Chandlee Road frontage.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time: Again, Woodhull expressed the need to pay attention to the standard notes even though they are not being read.

- 7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 7.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 7.4 Requirements for Utility relocations.
- 7.5 Requirements for Public Works Agreements.
- 7.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 7.7 Requirements for Private Mini Roads.
- 7.8 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Chandlee Road must be upgraded to a Minor Road Standard for a distance of 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the Private Mini Road construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The Private Mini Road must comply with Section 2.13 of the Road Code.
8. Applicant must provide stopping sight distance measurements for the Chandlee Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Fred Von Staten, CC Department of Health, read their comments. See attached.

Chris Brown, SCS, read their comments and provided reports to applicant.

Daniel Graham, Citizens Representative, reported no comment.

Cynthia Latham, MDE, had no comments in addition to those of the CC Health Department.

For the record, the US Army Corp of Engineers and Delmarva Power had no comments. Tony Di Giacomo read the comments of CCBoE that bus service will be provided on Chandlee road and asked for the size, price range and start date of the project. Mr. McDowell said he is not sure.

Tony Di Giacomo read the comments of CC P&Z. Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: NAR

Density: The Concept Plat for 8 lots On 40.08 acres was approved on 5/15/06 at a density of 1/5.01, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 3) The proposed mini-road name, McDowell Farm Trace, being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) Bufferyard C requirements being waived as may be deemed necessary.

Bonus density was not an issue. There have been some minor modifications to the dimensions of proposed Lots 1 and 2, but this Preliminary Plat is generally consistent with the approved Concept Plat.

Has the boundary line survey been completed? Applicant stated it has.

The plat indicates that there are no steep slopes on these proposed lots.

Stream and wetlands buffers have been 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.¹⁵

The site is not home to any rare, threatened, or endangered species.

No common open space was required; 2.36 acres were proposed for a stormwater management facility – just to the north of proposed Lot 2. Will that stormwater management facility be necessary to support the development of these proposed lots? Applicant said not for lots 1 & 2.

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

A combined entrance on Chandlee Road is proposed for proposed Lots 1 & 2.

The approximate location of the Colonial Pipeline has been depicted. Bufferyard Standard C is required, outside the right-of-way, along the Chandlee Road frontages, except as may be deemed necessary for safe sight distance. No Bufferyard Standard C has been depicted along the road frontages of proposed Lots 1 & 2.

A Bufferyard Standard A has been illustrated along the border of the adjacent Peoples property. 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 FSD was approved on 5/11/06.

The PFCP must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

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

A Landscape Agreement must be executed prior to recordation.

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

The internal mini-road name, McDowell Farm Trace, must be approved by the County 911 Emergency Center prior to the Planning Commission's review of that section's Preliminary Plat.

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

¹⁵ 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 or the large lot, a JD need not be done.

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 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 contiguous operating farms notice has been provided on the plat.

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

Burcham said it was their understanding that the Bufferyard C was waived. Burcham said he will modify the note on the Plat regarding Bufferyard C.

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Calvert	Rising Sun	Rising Sun
FTE	366	702	1153
Capacity	283	785	1081
% Utilization	129%	89%	107%

8) Cinnamon Woods, Phases 2 & 3, 200 manufactured home sites, Preliminary Plat, Mt. Zoar Road, Frederick Ward Associates, Eighth Election District

David Dodge, Sherm Hill and Ed Steere appeared and presented an overview of the project. Concept approval was previously granted with conditions.

Mark Woodhull read the comments of CCDPW. It is the Department of Public Works understanding that the water treatment & distribution system and wastewater treatment & collection in this development will be privately owned and maintained. The Cecil County Water & Sewer Standard Specifications require that private water and wastewater systems be designed to meet or exceed the County's standards, which includes fire protection demands. As such, the plans for any onsite private water & sewer system must be submitted to and approved by the Department of Public Works, along with an engineer's evaluation and summary of the existing system's treatment and service capacities. Any interconnection to existing onsite systems will require that a design adequacy and performance evaluation be submitted to the Department by the applicant's engineer. A variance must be obtained from the Director of Public Works for any and all portions of the existing and proposed system not designed to perform under the County standards. We also recommend that the serving fire company review any fire hydrant spacing and locations.

The proposed internal roads are private and therefore must be designed in accordance to Section 6.6.6 of the Cecil County Subdivision Regulations. These plans must be submitted for review by the DPW to assure compliance with Section 6.6.6.

A SWM plan, Entrance Road & Storm Drain plan, Water and Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The existing onsite stormwater management facility shall be analyzed by the engineer and a retrofit design

provided as necessary to meet the current stormwater management requirements. The fees for design review of this project must be provided at the time of first design submittals.

No Road Code Variance request has been received therefore the proposed entrance geometry design must meet all requirements of the Road Code. If the applicant believes that this cannot be accomplished a variance request must be submitted prior to proceeding to Planning Commission with the Preliminary Plat.

The Acceleration/deceleration lanes required per Sections 3.07.6 & 3.07.7 of the Road Code for the proposed entrance onto Mt. Zoar Road must be indicated on the preliminary plat.

The applicant is required to supply a Protocol 2 Road Condition Survey of Mount Zoar Road. See the Department of Public Works November 2004 Guidance Document for the survey and reporting criteria. The extent of the survey shall cover Mount Zoar Road, from the site's Ginger Lane entrance to Maryland Route 222. Mount Zoar Road must be shown by the survey to meet Minor Collector Road standard R-7, or the applicant must reconstruct Mount Zoar Road to this standard or a standard acceptable to the Department of Public Works. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information and an initial road improvements proposal are required prior to submittal for planning commission review of preliminary plat. The applicant/developer is responsible for all right-of-way acquisition and any costs associated with the same.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 1.1. The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 1.2. Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance
- 1.3. Compliance with Section 3.07.15 of the Cecil County Road Code.
- 1.4. Requirements for Utility relocations.
- 1.5. Requirements for Public Works Agreements.
- 1.6. Requirements for Stormwater Inspection and Maintenance Agreements.
- 1.7. Requirements for Stopping Sight Distance measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Mount Zoar Road be upgraded to a Minor Collector Road standard for 100' either side of the two site entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. Public works agreements are required for the internal streets & storm drains and sanitary sewer and water constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. Applicant must provide stopping sight distance measurements for the new Mount Zoar Road access to DPW prior to preliminary plat submittal.

Fred Von Staten, CC Department of Health, read their comments. See attached.

Chris Brown, SCS, read their comments and provided reports to applicant.

Daniel Graham, Citizens Representative, reported no comment.

Cynthia Latham, MDE, said she had cautioned about the water balance at the previous submission. By reevaluating as a senior community, it appears everything is okay regarding quantity, but at some point the correct name should be put on the permit and change from Mt. Zoar to Cinnamon Woods. For the record, the US Army Corp of Engineers and Delmarva Power had no comments. Tony Di Giacomo read the comments of CCBoE and suggested applicant put a note on the plat stating this is an age restricted community.

Tony Di Giacomo read the comments of CC P&Z. This proposal is in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

Zoning: MH

Density: Manufactured home parks are permitted a density of 6/1.

Formerly known as the Mt. Zoar Mobile Home Park, a Concept Plat was approved by the Planning Commission on 8/17/98 at a density of 2.59 units per acre.

The Mt. Zoar Mobile Home Park, Phases I, II, & III Preliminary Plat for 158 sites was approved on 10/19/98 by the Planning Commission with the following conditions:

- 1) Health Department requirements being met,
- 2) Department of Public Works requirements being met,
- 3) Plan for the private water and sewer system being approved by the Department of Public Works and the Health Department prior to final plat approval,
- 4) Plans for the wastewater treatment plant being approved by the Health Department and the Maryland Department of the Environment prior to final approval,
- 5) Maryland Department of the Environment issuing a permit to construct the wastewater treatment plant prior to final plat approval,
- 6) Bufferyard D being modified to fill in gaps on School House Road,
- 7) Out parcels being labeled as future development,
- 8) All references to lots being changed to sites,
- 9) Permits being obtained from the Corps of Engineers and the Maryland Department of the Environment for wetland impacts prior to recordation,
- 10) Setbacks being shown correctly,
- 11) Open space areas being shown,

- 12) Groundwater Appropriation Permit being issued by the Maryland Department of the Environment prior to final approval,
- 13) Accel, decel, and by-pass lanes being provided at both entrances,
- 14) A JD being done prior to final plat review,
- 15) “t” turn arounds being provided at the end of the streets adjacent to the future development areas.

A Final Plat was disapproved by the Planning Commission review in March 2000, but the Phase I Final Plat, proposing 63 manufactured home sites, was approved on 4/17/00, conditioned on:

- 1) That Health Department Requirements be met;
- 2) That DPW requirements be met;
- 3) That a deed restriction 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. The forest retention areas must be clearly shown.
- 4) That the standard forest retention/street tree note be placed on the plat.
- 5) That a landscape agreement be executed prior to recordation,
- 6) That any changes to the water or sewer plants be approved by DPW;
- 7) That the owner-operator of the community water and sewer service be approved by MDE and the Board of County Commissioners prior to recordation;
- 8) That permits from the Corps of Engineers and MDE for all wetland impacts prior to recordation;
- 9) That if any tot lots are to be included in Phase I, then details of the kinds of equipment will need to be included in the Public Works agreement;
- 10) That the gap in the Bufferyard D be filled in on the landscape plan for subsequent phases,
- 11) That access to open space between sites must be marked with concrete monuments,
- 12) That the word “Community” be replaced with “Park” in the title block on the Record Plat,
- 13) That the Master Water and Sewer Plan be amended prior to recordation.

Because of a pending appeal, the applicant sought and received a one-year extension of Preliminary Plat approval on 8/21/00. The Preliminary Plat’s validity would have expired on 10/19/00 without an extension the recordation of Phase I – which was in doubt because of the pending appeal.

The Phase I Record Plat was recorded on 8/5/03. Per §4.1.17, that extended Preliminary Plat validity until 8/5/05.

The original Concept Plat approval expired on 8/21/01. In addition, there was no then-currently valid FSD, but a new FSD was submitted.

The Phase II & III Concept Plat proposed 137 new plus the 63 existing Phase I manufactured home sites on 79.27 acres. It was approved at the new proposed overall density of 2.52/1 on 6/19/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
- 2) Documentation of the JD’s completion being submitted prior to the Planning Commission’s review of the Preliminary Plat;
- 3) A sensitive species survey being completed prior to approval of the PFCP; and
- 4) All references to “lots” being changed to “sites.”

Manufactured home “lots” can exist only in manufactured home subdivisions. Therefore, all references to “lots” must still be changed to “sites.” This was a condition of Concept Plat approval.

Has the boundary line survey been completed? Steere said yes. They will update the plat.

If approved by the Planning Commission, this development will require that the existing Manufactured Home Park license be amended to include the additional sites.

The word “detention” has been misspelled in Note # 5.

Note # 7 indicates that all existing structures will be removed. Unless literally true, Note # 7 must be revised to add “excluding the recorded Phase I sites.”

Since the details of the clubhouse facility proposed in what was Phase II are not show on this Preliminary Plat, the applicant has opted to submit a separate site plan application pursuant to the provisions of §291 and Appendix A of the Zoning Ordinance. Therefore, the issuance of a clubhouse building permit will be contingent upon site plan approval.

The site plan should be approved prior to Final Plat review.

Why has the phasing delineation been eliminated from the plat? Steere said this was an error as they switched systems. It will be the same as before and they will be sure it shows up on the next plat.

The Concept Plat had the north to the right; this Preliminary Plat has the north to the left. Why has the orientation been changed? This was done at the suggestion of DPW and it is still the same plan.

Steep slopes have been depicted. 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.¹⁶

Stream and wetland buffers have been depicted. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Note # 10 indicates that the JD was applied for on 5/16/06; what progress has been made?¹⁷ Steere said they have received copies of comments from MD Department of Planning. CoE is withholding based on the Supreme Court decision recently.

Not less than 15% of the gross area shall be devoted to open space and recreational area.¹⁸ The total proposed open space was 28.646 acres,¹⁹ but no open space acreage has been given. That must be corrected prior to Planning Commission review.

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

¹⁶ The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

¹⁷ It must be completed prior to Preliminary Plat review by the Planning Commission.

¹⁸ Not including roads and bufferyards.

¹⁹ Based on 79.27 acres, that was 36.14% of the total acreage.

tidal wetlands. Those threshold calculations are not included on this plat, as they must be prior to Planning Commission review.

20% landscaping of the development envelope is required in the MH zone, and rows of street trees are required along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. No street trees should be planted within 20 feet of sewer laterals and cleanouts.

A surrounding Bufferyard Standard D is required, per §78.8.

The 10/16/98 FSD approval expired on 10/16/03. A new FSD was approved on 6/13/06. There are no habitats of any rare, threatened, or endangered species on site.

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

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), Cecil County 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.

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

As noted, each manufactured home site shall measure not less than 4000 ft² in area, and the minimum width at the setback line must be 50', and the minimum setbacks shall be 15' front and rear, 10' on each side, as depicted.

Why haven't site dimensions been included on the plat, as required in §4.1.22 (1)? Steere said he will correct this.

All proposed road names have been approved.

Fire hydrant locations must be established in consultation with the Port Deposit Fire Company and DPW.

§6.6.6 of the Subdivision Regulations requires local access streets be 34' wide, 28' paved, with curb & gutter. The required new Traffic Impact Study (TIS) is under review.²⁰

Verification must be received from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites.

The proposed sites must be served by water & sewer systems approved by the Health Department.

²⁰ A TIS was conducted in the spring of 1998 in conjunction with the original Concept Plat.

Sewer capacity to serve these proposed sites must be verified by the Department of Public Works prior to Final Plat review.

Any Site Plans required in conjunction with providing adequate sewer or water facilities for this project must be approved 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 Master Water and Sewer Plan classifies the "Mount Zoar" Manufactured Home Park area as W-1 and S-2.

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

Details of proposed amenities such as gazebos and any recreational equipment will need to be included in the Public Works agreement.

All the requirements of §'s 30 & 78 of the Zoning Ordinance and §6.6 of the Subdivision Regulations must be met.

§4.1.22 (r) requires that Preliminary Plats include a table containing the total number of sites, area of sites, density, total area and types of right-of-way dedicated, total area, etc. That table must be included on any submission to the Planning Commission.

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

Steere asked for clarification of Section 6.6.6 and Di Giacomo provided same.

'05 School information:	<u>Elementary</u> Conowingo	<u>Middle</u> Rising Sun	<u>High School</u> Rising Sun
FTE	483	702	1153
Capacity	475	785	1081
% Utilization	102%	89%	107%

Di Giacomo announced that the September and October 2006 TAC meetings will be held in the Conference Room in the P&Z offices at 129 E. Main Street, Elkton, MD.

Meeting was adjourned at 12:45 p.m.

Respectfully submitted,
Kathleen O'Connell

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE

Wednesday, September 6, 2006, 9:00 AM

County Courthouse Suite 6

129 East Main Street, Elkton, Maryland 21921

Present: Tony Di Giacomo (CCP&Z), Mark Woodhull (DPW), Daniel Graham (Citizen's Representative), Jim Kyte (Fire Chief's Representative), Joe Moore (CCHD), Chris Brown (CCSCS)

Absent: Philip Cwick (USACoE), Bob Markwardt (CCBoE), Cynthia Latham (MDE), James Reynolds (Delmarva Power)

Tony Di Giacomo called the meeting to order at 9:00 AM.

1) Fox Valley Farm & Mobile Trust Partners, Concept Plat (Resubdivision of Lot 3 & Lot 12A, Fox Valley Road & Wilmon Street, Will Whiteman Land Surveying, Inc. Second Election District.

Will Whiteman & Jeff Foster appeared and presented an overview of the project. Six lots have been approved and want to create the seventh lot. Will subdivide from lot #3 and lot #12A and will add seventeen acres to subdivide.

Joe Moore, CC Health Department, read their comments. See attached.

Chris Brown, SCS, read their comments and presented the comments and appropriate soils maps to the applicant. .

Daniel Graham, Citizen's Representative, reported no comment.

Mark Woodhull, CCDPW, read their comments listed below:

1. While there is a land transfer solely for adding onto adjoining holdings (Lot 3 to Lot 12) which is exempt from SWM requirements the creation of Lot 7 is not. Therefore a SWM plan addressing Lot 7 must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Note 3 references Lot 4 as part of this subdivision. What is proposed for this Lot? Should be lots 4A & 12A. New lot coming off lots 3 & 12A.
3. Stormwater management must be addressed for the newly created lot (Lot 7).
4. Fox Valley Road is private. What rights will the newly created Lot 7 enjoy in regards to use of Fox Valley Road? Lots have road frontage with lots 2 & 6 having the corners.
5. How many lots access Fox Valley Road? Five lots now access Fox Valley Road.
6. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 6.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 6.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 6.3 Requirements for Stormwater Inspection and Maintenance Agreements..
 - 6.4 Requirements for Driveways.

6.5 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
5. Applicant must provide stopping sight distance measurements for the Fox Valley Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

James Kyte, Fire Chief Representative, reported no comments.

Tony Di Giacomo, CCP&Z, read the comments of MDE. A water appropriation and use permit will not be required for final plat.

Tony Di Giacomo, CCP&Z, read their comments listed below:

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

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

Zoning: SAR

Notes 4 and 5 are in conflict with one another. Number 4 indicates the creation of Lot 7; 5 indicates that this submission is "not for development."

Density: The SAR zone currently permits a maximum base density of 1 du/ 8 ac. This Concept Plat proposes 1 additional lot on the original 257.032 Fox Valley Farm acres, for a proposed revised density of 1/36.72. Based on the "Foster & Foster" Mobile Trust Partners resubdivision,¹ resulting in a reduction of 55.674 acres from Fox Valley Farms, the proposed density would be based upon 7 lots on 201.358 acres, or 1/28.77.

¹ Signed 4/28/06.

The RCA overlay zone permits a density of 1/20. Based on the “Foster & Foster” Mobile Trust Partners resubdivision and this proposed resubdivision of Lot 3, 3 lots on 76.990 acres, yields a proposed Critical Area density of 1/25.663.

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

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

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.³

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

No common open space is required.

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

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 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.

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

³ 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 or the large lot, a **JD** need not be done.

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 revised FSD and conceptual environmental assessment must be approved prior to Planning Commission review of the Concept Plat. However, provided that revised FCPs and Landscape Plans are submitted to show the newly proposed lot and associated changes, and provided that no clearing of forest is proposed, staff will recommend that a revised FSD not be required.

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.

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.

As for the Topographic information, required by §4.0.13, are there any areas of steep slopes or highly erodible soils? Staff will recommend a field run topo for the Preliminary Plat, per §4.1.22 (i).⁴ Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Fox Valley Road is a private mini-road. Has it been determined that the mini-road HOA documents do not preclude additional lots accessing Fox Valley Road? A revised Mini-road Maintenance 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.

2) Northwoods, Section 5, Lots 163 – 230, Preliminary Plat, Northwoods Blvd. & Peppertree Circle, Will Whiteman Land Surveying, Inc., Fifth Election District

Will Whiteman & Bruce Schneider, owner/developer, appeared and presented an overview of the project. This is the 5th and final section of Northwoods. Section 4 design for cul-de-sac has changed. Between section 3 and 4 the black top width has changed from 24' down to 22' but still in same ROW.

Lots are all under 10,000 feet. Need to find out if road are being classified as minor or minor collector roads. Will re-design due to change in cul-de-sac and black top width.

James Kyte, Fire Chief Representative, asked if they are considering additional fire hydrants. Would like No Parking signs installed on streets.

Joe Moore, CC Health Department, read their comments. See attached.

Chris Brown, SCS, read their comments and presented the comments and appropriate soils maps to the applicant. .

Daniel Graham, Citizen's Representative, reported no comments.

Mark Woodhull, CCDPW, read their comments listed below:

1. The Department can not recommend approval of this submittal as either a final or preliminary plat to the planning Commission. None of the required design plans have been submitted and this submittal lacks information required for a preliminary plat.
2. A SWM plan, Road & Storm Drain plan, a Sanitary Sewer System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
3. The 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. 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. All easements for the water lines must be reflected on the final plat.
4. Is SWM for Lots 220-230 provided in an existing SWM facility? Yes. The SWM plan for Section 5 must address the ability of any existing facility to adequately handle additional runoff generated by this section. This includes quality as well as quantity requirements of the current SWM Ordinance.
5. Access must be provided via common open space to proposed SWM area. Easement over two fee simple lots not acceptable.
6. Where will the runoff from the proposed SWM pond be directed? Flows down into Stony Run. If it is not into a defined channel a conveyance easement will be required.
7. The storm drain system must be identified on the preliminary plat.
8. The 20' wide utility easements may need to be wider depending on the depth of the proposed storm drain line.
9. Where is water service for Lots 220-230? To be shown on plat.
10. The Road Code directs that closed section road be used due to lot road frontage of less than 75'. As such, the Department will require a 30' wide pavement section within the 50' ROW identified.
11. Cul-de-sac bulbs do not comply with the Road Code standard. Therefore a Road Code variance is required.
12. Sanitary sewer allocation request can be made once preliminary plat is approved.
13. All sanitary sewer lines located outside of County ROW must be ductile iron.
14. The 20' wide utility easements may need to be wider depending on the depth of the proposed sewer line.
15. Clarify distinction between proposed & existing sewer lines along Northwoods Blvd.
16. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 16.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 16.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 16.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 16.4 Requirements for Utility relocations.
- 16.5 Requirements for Public Works Agreements.
- 16.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 16.7 Requirements for County Roads.
- 16.8 Requirements for Driveways.
- 16.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Oldfield Point Road be upgraded to a Minor Collector Road standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Northwoods Boulevard and Peppertree Circle may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Red Oak Drive and Silver Maple Court access locations with the road design.

Tony Di Giacomo, CCP&Z, read the comments of MDE. If public water is available, a water appropriation and use permit will not be required for final plat.

Tony Di Giacomo, CCP&Z, read the comments of North East Fire Chief. Additional hydrants are to be placed.

Tony Di Giacomo, CCP&Z, read their comments listed below:

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

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

Zoning: RM

The original Concept Plat was approved February 1988. A second Concept Plat was approved 11/20/95 at a density of 3.23 units/acre (.31 acres/du).

Density: The RM zone permits a maximum base density of 2 du/ 1 ac., or 6 du/ 1 ac. when community facilities are available. This Section 5 Preliminary Plat proposes 68 lots on 19.939 acres, giving this section a density of 3.36 units/acre.

The Section 1 Final Plat was approved April 1990. It was signed on 4/29/92.

The Section 2 Final Plat was approved December 1997, and signed on 5/27/98.

The Section 3 (Lots 39-95) Final Plat was approved on 12/18/00, and signed on 10/31/01.

The Section 4 (Lots 96-162) Final Plat was approved on 1/20/04, and signed on 11/30/04.

This Section 5 Preliminary Plat is generally consistent with the approved Concept and other Preliminary Plats.

Section #	# of lots	Lots remaining	Open Space Acres	Open Space Remaining
1	10 (10)	234	2.5303	11.1500 acres
2	28 (38)	206	4.9748	6.1752 acres
3	57 (95)	149	1.6321	4.5431 acres
4	67 (162)	82	2.1000	2.4431 acres
5	68 (230)	14	3.7880	0.0000 acres

15% common open space must be provided in the RM zone. If Section 5 is approved as is now proposed, then the minimum required for the overall project will have been exceeded. Open space must be labeled and referenced 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. The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat submitted for review by the Planning Commission.

A minimum 25% landscaping of the development envelope is required in the RM zone. In addition, 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, trees, shrubs, gardens, or other suitable ground cover, and a 25' peripheral buffer yard is required. To be consistent with previous sections and their conditions of approval, sidewalks are required 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 roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD was approved 11/29/95 and has expired. An extension was granted on 10/3/03.

The PFCP for the entire project was approved on 5/18/99.

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

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

The owners of these lots must become members of the Homeowners' Association with \$50.⁰⁰ per recorded lot being placed in escrow for improvements prior to recordation.

Per the agreement executed on 9/24/96 for Razor Strap Road improvements, \$266.⁰⁰ per lot must be paid to the Board of County Commissioners prior to recordation of the plat.

All proposed internal road names have been approved – except Red Oak Drive. Another must be selected and approved by the 911 Emergency Center prior to the Planning Commission's review of the Preliminary Plat.

Fire hydrant locations and spacing must be finalized in consultation with the North East Fire Company and DPW. None have been depicted in the area of Red Oak Court.

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

Are any of the easements shown part of the AT&T easement? If so, are they part of the common open space? If so, then it must be labeled "common open space" 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 Master Water and Sewer Plan classifies this site as W1 and S1.

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

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

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

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

3) Lands of Josephine M. Boettcher, Lots 1-21 & Remaining Lands, Preliminary Plat, Oldfield Point Road, KCI Technologies, Inc., Fifth Election District.

Brian Morgan & Paul Gutmann appeared and presented an overview of the project. Concerns on stormwater for lots 11-14. Plans have been revised to show anticipated SWM on these lots. An inlet has been placed at the rear of lot 12 at the driveway location. Piped directly across to stormwater area east of lot 13. Pond has been relocated to catch water.

James Kyte, Fire Chief Representative, asked if they were considering a 30,000 gallon fire suppression tank. Applicant stated it is still up in the air due to they have not been able to get a hold of the Chief at Singerly Fire Company. Kyte also asked if the fire hydrant at 746 Oldfield Point Road would serve of any assistance. No Parking signs to be installed on streets and each home to have four parking spots.

Joe Moore, CC Health Department, read their comments. See attached.

Chris Brown, SCS, read their comments and presented the comments and appropriate soils maps to the applicant. .

Daniel Graham, Citizen's Representative, reported no comments.

Mark Woodhull, CCDPW, read their comments listed below:

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. How will the SWM requirements for Lots 11-14 be addressed?
3. No Road Code Variances have been requested therefore, the Department expects that the internal street and entrance will be built to county specifications.
4. Who is responsible for the maintenance of the yard inlet and drainpipe crossing Lots 8, 9, & 10? The same question applies to the SWM BMP on Lot 7.
5. Can a septic reserve area be located in a defined swale on Lot 17?
6. Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial/Intermittent streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings.
7. Any permits required for disturbance of a regulated wetland or wetland buffer shall be obtained by the applicant prior to Departmental approval of a plat for record.
8. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s).
9. Public Stormdrainage easements must be separated from private stormwater management and access easements.
10. The private SWM easement adjacent to Lot 7 must end at the ROW for Creekview Drive.
11. The Department will require a 24' pavement width for Meadowlark Spur and Creekview Drive.
12. Identify the finished floor elevation for houses on Lots 1-6, 9, 14, 16-18, & 20-21.

13. The deed language for Lots 11& 12 and 13& 14 must include the rights and responsibilities of each Lot Owner in regards to the access easements for shared driveways.

14. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 17.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 17.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 17.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 17.4 Requirements for Utility relocations.
- 17.5 Requirements for Public Works Agreements.
- 17.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 17.7 Requirements for County Roads.
- 17.8 Requirements for Driveways.
- 17.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Oldfield Point Road be upgraded to a Minor Collector Road or equivalent standard for 100’ either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Oldfield Point Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Oldfield Point Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Tony Di Giacomo, CCP&Z, read the comments of MDE. Water appropriation and use permit CE2006G008, issued to Heritage Building Group for 22 wells. The permit covers the proposed use, so no additional water appropriation and use permit requirements for final plat.

Tony Di Giacomo, CCP&Z, read their comments listed below:

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

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

Zoning: SR

Density: The SR zone permits a maximum base density of 1 du/ 1 ac. The Concept Plat⁵, proposing 22 lots plus remaining lands and 33.80 acres of common open space on 128.15 acres, for a proposed density of 1/5.57, was approved on 2/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) All common open space being labeled and referred to as such.

A similar Preliminary Plat was disapproved on 4/17/06, due to:

- 1) No documentation being received relative to the JD;
- 2) The need to eliminate the disturbance to the perennial stream buffer caused by the satellite septic reserve areas;
- 3) The need to properly show the Chesapeake Bay Critical Area buffer in the "overall boundary" insert;
- 4) The Common Open Space sensitive areas thresholds being stated correctly; and
- 5) Common Open Space being consistently referred to as such.

This Preliminary Plat is generally consistent with the approved Concept Plat, except that only 21 lots plus remaining lands are now proposed, with a new, lower density of 1/5.825. However, the proposed common open space acreage has been reduced to 31.94 acres, and the stream-crossing satellite septic areas are proposed for proposed Lots 11 and 13.

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.⁶ Steep slopes have been depicted.

Stream and wetland buffers 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. An addendum has been included that provides details on the directional drilling process and a finding that the directional drilling would not disturb the perennial stream buffer, which, per General Note # 18, is proposed in conjunction with satellite septic areas for proposed Lots 11 and 13.

Documentation of the JD's completion has been received.

⁵ A Concept Plat for the Lands of Josephine M. Boettcher was approved on 9/21/98 at a density of 1/2.65 (77 lots on 204.32 acres with 44.02 acres of common open space). Subsequently known as Forest Knoll, Section I (Lots 8-22, and 9.089 acres of common open space) received Final Plat approval on 1/18/00, and was signed on 5/4/00.

Forest Knoll Section II received Final Plat approval on 6/17/02, and the Record Plats were signed on 1/3/03 (Lots 23-32 & 47-53) and 12/9/03 (Lots 33-46). The original Boettcher Concept Plat, approved on 9/21/98, has expired; therefore, its potential density implications are moot.⁵

Although the original Boettcher Concept Plat's validity has now expired, the Section II recordations left a remaining common open space balance due of 27.516 acres. Since this Concept Plat for the remainder of the property now proposes 33.80 acres of common open space, the remaining common open space balance due issue is also moot – assuming approval by the Planning Commission.

⁶ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

15% common open space is required; 24.92% is proposed. The C.O.S. sensitive areas thresholds calculation has now been included in General Note # 11.⁷

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

Sidewalks are recommended on one side of all internal roads.

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

The Forest Stand Delineation (FSD) was approved on 1/13/06. There are no habitats of rare, threatened, and endangered species.

The PFCP was approved on 3/31/06. A revised PFCP (to allow for additional satellite septic area) for the Boettcher Property was approved on 7/12/06. However, the Preliminary Plat does not match the approved 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The road names "Creekview Drive" and "Meadowlark Spur" 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 contiguous operating farms notice has been provided on the plat.

The Critical Area designation (LDA) has been included in the "Overall Boundary" graphic.⁸

The Lot Area Table and the Development Data Note 7 included on sheet 1, together, satisfy the requirements of §4.1.22 (r).

⁷ 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.

⁸ Even though the remaining lands are not proposed to be developed at this time, the Critical Area designation and limits must be shown on the plat.

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

4) The Villages at Herron Lake, Parcels 1, 3, 6, 7, 8 & 9, 680 Dwelling Units, Blue Ball (MD 545), Marley & Zeitler Roads, Preliminary Plat, Taylor, Wiseman & Taylor, Third Election District.

Mike Pugh, developer, David Wiseman & Bob appeared and presented an overview of the project. Two distinguishing factors to be discussed - #1 is reflected existing adopted flood lines and #2 is they missed appointment with Board of Appeals last month for conclusion of a variance but refilled and will be appearing at next meeting.

James Kyte, Fire Chief Representative, read comments from Singerly Fire Company. Need fire hydrants placed on main drag. Concerns with parking on street & want No Parking signs installed. Joe Moore, CC Health Department, read their comments. See attached.

Chris Brown, SCS, read their comments and presented the comments and appropriate soils maps to the applicant. .

Mark Woodhull, CCDPW, read their comments listed below:

1. A SWM plan, Road & Storm Drain plan, a Water Treatment and Distribution system plan, a Sewer Collection and Treatment System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The water and sewer system design must be submitted to the Department of Public Works and be approvable as to design by the Department prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. SWM ponds cannot be located within stream buffers, wetland buffers and/or the 100-year flood plain. Verify that the required 160' stream buffer for East Branch Laurel Run does not impact on the proposed SWM pond adjacent to Lots 32-43 in Parcel 9.
3. This project is located within a 'W-3' public water and 'S-3' public sewer service district in the Cecil County Master Water and Sewer Plan (MWSP).
4. The CCDPW requires the applicant to submit to Conectiv all engineering plans for roads & infrastructure crossing their ROW. The Department will not approve any plans until we receive notification from Conectiv that they have approved all proposed impacts to their ROW.
5. The applicant's engineer has corrected most of the roadway system geometric deficiencies that were present on the preliminary plat submitted for TAC review in February of 2006; however, there is still a geometric and Road Code compliance issue present on this preliminary plat. Minimum residential driveway setback of 75' required from intersections per Section 3.08 of the Road Code- several townhouse lots are non-compliant with this requirement the applicant's professional engineer is required to produce a road system layout that complies with the Cecil County Road Code or obtain a variance to the requirements of the same
6. Griffin Drive from the commercial site access to Zeitler Road shall be designed to meet the County Minor Collector Industrial/Commercial Road standard R-9.
7. If the Randolph Drive crossing will be a bridge or bottomless arch structure, the design approach and selection process shall be accomplished with pre-design input from the Department of Public Works. As well, any Zeitler Road bridge improvements shall be treated in a similar manner, with

Departmental input being sought by the applicant's engineer prior to making any design submittals or permit applications for the same.

8. Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval. The applicant is responsible to have their engineer prepare and submit these designs and analyses.
9. It is anticipated that the applicant will be required to improve the Marley Road intersections with Deaver and Nottingham Roads. The Deaver Road intersection may require substantial realignment to create a Deaver Road stop and intersection condition.
10. The applicant has submitted a Protocol 2 Road Condition Survey of Marley Road per the November 2005 TAC and Planning Commission hearing requirements. The proposed improvements approach is acceptable to the Department. Marley Road must be improved to a Major Collector Road equivalency in road cross section and safe ability to handle the additional traffic loading generated by this development. The Marley Road improvements shall include the Nottingham Road intersection, which shall be improved on the Nottingham Road segment at least 100' in either direction to a minor collector road standard R-7 equivalency, and significant geometric improvement to the Deaver and Marley Road intersection. The applicant will be responsible for obtaining any and all right-of-way with acquisition being solely at the applicant's expense. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without these requirements being met.
11. Given the phasing proposed the Marley Road interconnection and any associated offsite improvements must be designed, rights-of-way approved, construction guaranteed, and included in the public works agreement for phase four. The Marley Road and offsite county road improvements shall be complete prior to the issuance of any temporary/final use & occupancy permits for dwellings or condominiums west of Laurel Run (phases 4, 6, 7, 8, & 9).
12. The applicant had brought up the possibility of a major change to the Marley Road access to this site. Have you looked further into this? If so please discuss what you had in mind. Any proposed change would impact the TIS.
13. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s).
14. Public Stormdrainage easements must be separated from private stormwater management and access easements.
15. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 34.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 34.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 34.3 Requirements for Utility relocations.
 - 34.4 Requirements for Public Works Agreements.
 - 34.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 34.6 Requirements for County Roads.
 - 34.7 Requirements for Driveways.
 - 34.8 Requirements for Final Plat - Public Water and Sewer Allocation.
 - 34.9 Requirements for Sewer Service Cleanouts – Location.
 - 34.10 Requirements for Stopping Sight Distance Measurements.
 - 34.11 Townhouse Parking Areas & H.O.A. Maintenance Easement Notes.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
 - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grades leaving Zeitler and Marley Roads may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. If a County-owned and maintained public water & sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
10. Applicant must provide stopping sight distance measurements for the Marley Road access to DPW prior to preliminary plat submittal. Mark the proposed Marley Road entrance location in the field by a survey stake or paint.
11. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

Tony Di Giacomo, CCP&Z, read the comments of MDE. An application for a water appropriation and use permit has been received by the Source Protection and Appropriation Division of MDE. The application is considered complete and is being reviewed and prepared for public notice. Since this will be a community water supply and there may be periods when flows are too low to allow withdrawals from the stream, the water supply is dependent on storage. The reservoir and construction of an intake with associated flow must also be approved by MDE. It is suggested on several occasions that the owners submit a Joint Federal/State Application for the alteration of any Floodplain, Waterway Tidal or Nontidal Wetland in Maryland. This application will initiate the applications for the Waterway Construction, Dam Safety and Nontidal Wetland Permits that may be required for this project. As of this date, the Joint Application has not been logged in. A permit will also be required for construction of the water treatment plant.

Tony Di Giacomo, CCP&Z, read the comments of SHA. See attached.

Tony Di Giacomo, CCP&Z, read their comments listed below:

This proposal is in compliance with §3.8 of the Subdivision Regulations.

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

Zoning: RM

The Concept Plat, proposing 1,465 dwelling units on 373.8 acres, for a proposed density of 3.92/1 was approved on 11/21/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 2) All issues associated with the boundaries of the M2 area being satisfactorily resolved verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 3) Documentation of the completed JD being received prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 5) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 6;
- 6) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 & 6;
- 7) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 8) The name of the water company providing the water being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 9) The Preliminary Plat or Preliminary Plat/Site Plans documenting that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers;
- 10) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 6;
- 11) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission for Phases 2 and 6;
- 12) Note # 11 deleting reference to alleys;
- 13) A Traffic Impact Study being completed prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 14) The "Land Use Summary" taking into account that the common overflow parking areas cannot be included in the open space total acreage;
- 15) The 100-year floodplain boundaries being labeled and verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 16) All data and information being reconciled between the plat and the "Land Use Summary;"
- 17) All proposed areas of common open space being shaded prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 18) Any Preliminary Plat/Site Plan review for Phases 2 & 6 clearly demonstrating consistency with §277;

- 19) Fire hydrant locations being selected in consultation with the Department of Public Works and the Singlerly Fire Company prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 20) A complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission; and
- 21) The Preliminary Plat reflecting strict compliance with §7.2.12.E.4.

Density: The RM zone permits a maximum base density of 2/1, or 6/1 with community facilities; 12/1 for townhouses; 16/1 for apartments. The approved Concept Plat proposed 1,465 dwelling units on what was 373.8 acres, for a proposed, aggregate density of 3.92/1.

This Preliminary Plat now provides information that 680 dwellings are proposed on approximately 375 acres, for a modified approximate density of 3.885/1.

777 dwelling units are now proposed as “future units.” Thus the previously-proposed (July 2006) aggregate total of 1457 has remained the same. However, 680 units are shown as “proposed” and 777 are shown as “future units,” including 34 of the 202 in Parcel 3 and 3 of the 95 units in Parcel 9. Previously, the RM-zoned acreage has increased by about 1.3 acres. Since July, the RM acreage has increased by .51 acres and the BG declined by that same amount. Since no rezoning has taken place, how did that happen?

Technically, this Parcel 1, 3, 6-9 Preliminary Plat now proposes:

- 584 proposed and future townhouses on 80.71 (was 80.35) acres, and
- 133 single family homes on 41.64 acres, ... resulting in respective, proposed densities of:
- 7.23/1 (was 7.27/1 and
- 3.19/1.

Both proposed densities are within permissible limits.

Previous comments regarding floodplain details on the Preliminary Plat will not again be reiterated at this time. As a path forward, it was determined that a Variance from the Board of Appeals for fill in the floodplain would be applied for prior to the Preliminary Plat’s submission to the Planning Commission. The applicant is again reminded that the Variance for fill in the floodplain is not optional; it will be required if this project is to proceed. The application was placed on the August 2006 Board of Appeals agenda, but withdrawn. Why?

This submittal has used the existing FEMA floodplain boundaries. It is again recommended that those and the projected new floodplain boundaries previously shown be shown together on any submittal to the Planning Commission.

Note 14 references the need for a variance for more than 600 cubic yards of fill in the floodplain in conjunction with the reconstruction of Zeitler Road. Thus the floodplain boundary will change.

If the aforementioned variance is not granted, then the required filling would be prohibited, per §241.c (1).

Disturbance of the stream buffer is prohibited, per §174.1.a.

The proposed wetland disturbance must be addressed as prescribed in §’s 174.4.

Condition # 2 of Concept Plat approval has been satisfied.

Consideration should be given to eliminating the duplicative “Phase”⁹ and “Parcel” nomenclature.

The title block information is reinforced by Note #'s 18 and 19¹⁰.

Condition # 20 of Concept Plat approval required that a complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission. That appears in letter form on sheet 11 of 11, although the information is general.

Note # 29 proposes the rebuilding of Zeitler Road and Randolph Drive, but no grading or construction details are provided and no new floodplain boundary is shown, as required in §230.5.a and §231.

The TIS is currently under review. The developer will be responsible for all necessary road improvements.

OPZ on 6/12/06 received notice from SHA that the proposed commercial entrance onto Blue Ball Road (MD 545) in proposed Phase 10/Parcel 10 must be aligned opposite Potter Lane. That presents a problem because Potter Lane is only 620', centerline-to-centerline, away from the proposed Zeitler Road entrance. §7.2.12.E.4 requires 750' of separation, and condition # 21 of Concept Plat approval required that the Preliminary Plat reflect strict compliance with §7.2.12.E.4.

The SHA finds the Potter Lane alignment best and not inconsistent with SHA regulations. However, it is inconsistent with §7.2.12.E.4 and condition # 21 of Concept Plat approval. In addition, if turn lane right-of-way cannot be obtained on SB Blue Ball Road, then either the Zeitler Road entrance may have to be moved (if possible, given sight distance requirements) or the Zeitler Road entrance and the commercial entrance might have to be combined. As safety issue are always paramount, staff will recommend relief from §7.2.12.E.4 and condition # 21 of Concept Plat approval, based upon SHA's recommendation. However, the ultimate solution to this problem may result in design changes that are not reflected on this Preliminary Plat.

While this Preliminary Plat is consistent with Concept Plat density approval, there have been layout changes – which the Planning Commission may feel are inconsistent with the approved Concept Plat.

Parcel 1's layout and lot numbering scheme have been changed, and its density has been changed. The approved Concept Plat proposed 240 d.u.'s; this Preliminary Plat now proposes 218 d.u.'s. Some road names have been changed, and the proposed parking space-to-dwelling ratio has increased to 3.6:1. The adequacy of rear yard access issue has been addressed by adding easements. The applicant is again advised that fee-simple common open space access is far preferable.

The peripheral bufferyards required under both §29.5.1 (2) and §187.2 were not shown to buffer Parcel 1's proposed residential development and Parcel 10's proposed commercial development, Note # 7 notwithstanding. A 25' bufferyard is now shown on what appears to be adjacent Parcel 10,

⁹ In terms of phasing, the recreation center site plan would need to be approved prior to Parcel 6's Final Plat review by the Planning Commission. Since the development of all parcels will be dependent upon the potable water and wastewater treatment plants, and, pursuant to §4.2.13 (u), the Planning Commission cannot approve lots for which such planned facilities have not received all necessary approvals, those site plans must be approved prior to the Planning Commission's review of any Final Plat for any of the respective parcels, except for Parcels 2, 4, and 10. For Parcels 2 and 4, the potable water and wastewater treatment plants' site plans must precede condominium Preliminary Plat/Site Plan approval, and those approvals must precede Parcel 10's site plan approval.

¹⁰ Note # 19 (was 20) serves to confirm that Parcels 2 and 4 are to be condominiums, and, therefore, will require Preliminary Plat/Site Plan approvals, consistent with established process precedent for condominiums.

which may account for the change in zoning acreages. If so, then the applicant is reminded that no zoning changes have been effectuated.

Parcel 2 is not under consideration with this Preliminary Plat submission. However, it has been relocated from Blue Ball to west of the Zeitler Road crossing of the Little Elk Creek.¹¹

Parcel 3 is in the same location, but its layout changes include the moving of the potable water treatment plant to the south of Zeitler Road and the number of lots has increased from 180 to 202 (was 203 at the 6/7/07 TAC review). As previously noted, 34 of the 202 dwelling units in Parcel 3 have been shift to “future unit” status owing to uncertainties regarding the floodplain boundaries.

With the differentiation between common open space and condominium open space, and the timing of the fee-simple and condominium parcels, the SWM facilities for Parcel 3 being located in Parcel 2 is of great concern. How will the phasing of Parcel 2 accommodate the SWM requirements of Parcel 3?

Parcel 4 is not under consideration with this Preliminary Plat submission.

Parcel 5 is essentially unchanged and not under consideration with this Preliminary Plat submission.

Parcel 6 is in the same location. The approved Concept Plat shows 56 d.u.’s. Previous Preliminary Plats proposed 55 and then 52 d.u.’s, and this one now proposes only 38.

Parcels 7 & 8 are also in the same locations as previously. Some road names have changed. The approved Concept Plat proposed 89 townhouses for Parcel 7 and 72 single family d.u.’s; previous Preliminary Plat proposed all townhouses, with 161 total d.u.’s. and a combination with 180. This one now proposes 164, which is consistent with Sheet 4 of 11. The proposed parking space-to-dwelling ratio has increased 3.6:1.

Parcel 9 is in the same general location, but it had increased from 13 to 24.3 to 24.81 to 30.01 acres at the 6/7/06 TAC review and now to 29.08 acres. The approved Concept Plat proposed 128 townhouses. The previous Preliminary Plats proposed 76 and 79 single family detached homes; this one now proposes 92 – with 3 of the 95 dwelling units in Parcel 9 having been shifted to “future unit” status owing to uncertainties regarding the floodplain boundaries. Its layout is also significantly different from that proposed in the approved Concept Plat, and Buckinghame, now “Buckingham,” Drive was in Parcel 8. .

Parcel 10 remains in the same location, and is not under review. If turn lane right-of-way cannot be obtained on Blue Ball Road, then there is the distinct possibility that the Zeitler Road entrance and the commercial entrance might have to be combined. In any event, the ultimate solution to this problem may result in design changes that are not reflected on this Preliminary Plat.

Though not under review, Parcel 10 is shown to have what amounts to 2 25’ buffers from the RM zone, and the BG acreage is shown to have changed.

¹¹ It continues to show 160 d.u.’s, but the design has changed slightly. It is indicated that there are 152 surface spaces; by actual count there are 154. Such basic inconsistencies must be corrected.

Unless the floodplain boundary has actually been satisfactorily tied to field topography, Parcel 2’s structures may be in the floodplain – which shall not be permitted. Site Plan-level detail has not been provided for this proposed condominium component.

Parcel 11 is depicted on Sheets 1, 4, and 9.

Note # 2 (was 3) now cites the Zoning Case Number: 2005-11.

No progress has yet been made regarding site plan approvals for the water and waste water plants and all associated facilities.

The "Land Use Summary" has improved, as follows:

- While Notes 18 & 19 indicate what is to be excluded from consideration, the Land Use Summary includes all Parcels.
- The M-2 zoned Parcel 11 is now consistently 12.0 acres, and the BG zoned Parcel 10 was consistently 8.2 acres. It is now shown to be 7.69 acres.
- The common open space acreage has now been provided. The internal road right of way areas are now reconcilable with the other acreages. The lot acreages are placed all the way in the back, on Sheet 11 of 11.

Documentation was received that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers.

Stream and wetland buffers have been shown. Do any need to be expanded?

Documentation of the completed JD was received on 6/9/06. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. However, Note # 30 indicates that the applicant elects to secure those permits prior to Final Plat submission, instead.

As previously stated, per §241.2.d (1), any building sites within the 100-year floodplain boundary cannot be approved.

This proposal appears to satisfy the common open space requirements of the RM zone, which must be based upon the cited 375.06 (was 374.06 at the 6/7/06 TAC review) acres

A minimum of 15% common open space is required for the single family home phases; 20% is required for all others. If more than the minimum is proposed, then that can be noted, but all of the common open space is still called, labeled, and referenced as "common open space."

The C.O.S. sensitive areas thresholds¹² have be calculated for inclusion on the Preliminary Plat. In the aggregate, they appear to be within approvable thresholds.

Proposed common open space must be consistent will all applicable provisions, including §176.

25% landscaping of the development envelope is required in the RM zone.

Note # 13 of the approved Concept Plat indicated that, consistent with recommendations for the RM zone, sidewalks were proposed on both sides of streets, except where bike trails would be substituted on one side. The pedestrian access plan is contained on Sheet 9 of 11 of this Preliminary Plat.

¹² 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.

Note # 8 states that this submission is invoking the provisions of §6.1 regarding “residential cluster development.”¹³

Note # 9 cites the requirements of §6.1.5 (a) (b) & (c).

§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. In no case should a parking space on part of an individual lot and common open space.

Note # 7 indicates that a 25’ peripheral bufferyard is required. In addition to this §29.5.a (2) requirement, per §187.2, additional bufferyards may be required between the RM and BG and M2 zoning districts within the development tract, and buffering landscaping may be required as Landscape Plan components of the respective Site Plans for the water and sewer facilities.

The FSD was approved on 11/18/05.

A PFCP was conditionally approved on 7/17/06, and a revised PFCP was conditionally approved on 7/24/06.

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

A Landscape Agreement must be executed prior to recordation.

The internal road names have been approved.

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

Access to common open space between lots must be marked with concrete monuments. A Homeowners’ Association (HOA) for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

For those parcels that may be intended as condominium components, a Condominium Association must be established prior to recordation. In addition, per Note # 23, as the condo owners are to have access to the common open space and the proposed Community Center, then the condo owners must also be members of the HOA, with \$50 per recorded condo unit being placed in escrow for improvements prior to recordation.

¹³ There may some question as to whether §’s 6.2 & 165 of the Cecil County Zoning Ordinance are in conflict with §6.1 of the Cecil County Subdivision Regulations. The Zoning Ordinance makes quite clear that its authority supersedes that of other laws or regulations, specifically with respect to lot area and yard requirements. However, the Zoning Ordinance also makes clear that its purpose is not to replace existing laws, rules, regulations, etc. In addition, §170 of the Cecil County Zoning Ordinance grants the Planning Commission the power to modify front, rear, and side setbacks, as well as lot widths in major subdivisions where it is demonstrated that the modifications will contribute to better subdivision design and will not have an adverse effect on adjacent properties. Therefore, in general, it is the reasoned opinion of staff that the provisions of §6.1 of the Cecil County Subdivision Regulations, regarding “residential cluster development,” are consistent with the various sections of the Cecil County Zoning Ordinance and the Cecil County Comprehensive Plan as to language and intent.

The water and wastewater plants and all associated facilities must be approved as major site plans per §291, prior to Final Plat review by the Planning Commission.

In addition, if it is a community sewerage system, it must be consistent with all provisions of §175 of the Zoning Ordinance.

The applicant is advised to carefully note the MDE comments.

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 Master Water and Sewer Plan classifies this site as W3 and S3.

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

Verification of the capability of the proposed water system to serve all proposed dwelling units must be received from MDE prior to Final Plat review by the Planning Commission for Phases 1, 3, and 6-9.

Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE must be submitted prior to Final Plat review for Phases 1, 3, and 6-9.

The identity of the waste water treatment plant must be included on the Final and Record Plats for Phases 1, 3, and 6-9

The name of the water company providing the water must also be included on the Final and Record Plats for Phases 1, 3, and 6-9.

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

As stated at previous reviews, confirmation must be received from the Conowingo Power or successor entities prior to Final Plat review that all proposed roads (only Zeitler Rd. shown at present) as well as any sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the utilities within the utility corridor.

In addition, all required documents from Conowingo Power or successor entities¹⁴ granting permission or agreeing to utility corridor impacts must be received prior to Final Plat review of Phases 6-9, or Preliminary Plat/Site Plan review for Phase 4.¹⁵ All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

A previously-recorded (9/9/91) agreement was faxed to OPZ on 6/9/06. It agrees to the use of the utility corridor for "agricultural purposes" and the right of "agricultural machinery and equipment" to

¹⁴ It now appears to be Delmarva Power.

¹⁵ This assumes that Phases 6 and 8 are not condominiums also.

cross it. Obviously, this proposal, if approved, would mark a significant shift away from agriculture; therefore, the 9/9/91 agreement will not suffice.

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

5) Lands of Terrill O. Stammler, Jr., Lots 1-6, Concept Plat, Rising Sun Road (MD 273), P.E.L.S.A. Company, Inc., Sixth Election District.

Mike Paraskavich & Mr. Stammler, owner, appeared and presented an overview of the project. Option to develop property either as a minor subdivision or a mini road subdivision. Proposing to submit using both options.

James Kyte, Fire Chief Representative, asked if the corner was part of the property and applicant stated yes. Applicant needs to check into putting a fire hydrant to it.

Joe Moore, CC Health Department, read their comments. See attached.

Chris Brown, SCS, read their comments and presented the comments and appropriate soils maps to the applicant. .

Daniel Graham, Citizen's Representative, asked if there were any regulations as to how many entrances are allowed off the road. Applicant to check in to any regulations.

Mark Woodhull, CCDPW, read their comments listed below:

1. SWM plan, Road & Storm Drain plan, and Mass & Final Grading plan must be approved by the CCDPW prior to final plat approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Lot 1 is denied access to the proposed mini road and no other new lots will be allowed access.
3. The proposed private mini road must be designed in accordance with the Road Code, specifically Section 2.13.
4. Revise the ROW dedication note. MD 273 is a State highway not County.
5. How will SWM be addressed for this development? Applicant states they have not addressed this.
6. If the existing pond is proposed to serve as a SWM BMP an as-built and a dam breach analysis will be required. This information must be provided with the SWM submittal for this project.
7. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 7.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 7.3 Requirements for Utility relocations.
 - 7.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 7.5 Requirements for Driveways.
 - 7.6 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
6. Applicant must provide stopping sight distance measurements for the Stoney Battery Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Tony Di Giacoma, CCP&Z, read the comments of MDE. The plat indicates that the water supply source to be "private well". If this is to be a community supply, a water appropriation and use permit will be required. If individual wells are intended, a six-lot subdivision does not require a water appropriation and use permit for final plat. However, MDE could not tell if the lots along the street are to be included as part of the subdivision. If the total lots exceed 10, a permit will be required.

Tony Di Giacomo, CCP&Z, read the comments of SHA. See attached.

Tony Di Giacomo, CCP&Z, read their comments listed below:

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. This Concept Plat proposes 6 lots on 26.95 acres. 2 minor subdivision lots are proposed at the minor subdivision density of 1/1, and 4 major subdivision lots are proposed on the remaining 24.95 acres, for a proposed density of 1/6.24. Thus, bonus density is not an issue.

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

Note # 9 has cited the wrong FEMA panel number. That must be corrected.

This plat includes no north arrow, as required. That must be corrected.

The existing dwelling on proposed Lot 1 is situated ahead of the building setback line – which has not been depicted. A setback modification must be requested.

The non-tidal wetlands buffer graphic used on the plat does not match that shown in the legend. That must be corrected.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁶

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.¹⁷

The habitats of rare, threatened, and endangered species must be avoided. No common open space is required, since fewer than 10 lots are proposed.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD Route 273. What is the rationale of dedicating a 30' fee simple strip along a state highway to the Board of County Commissioners?

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring, as now appears to be the case. That will affect the design of proposed Lots 2-5.

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 MD DNR.

¹⁶ The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

¹⁷ 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 or the large lot, a **JD** need not be done.

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Three of the six proposed lots are panhandle lots.

The proposed road name, Moyer Drive, has been approved.

A Mini-road Maintenance Association for maintenance of the Moyer Drive 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.

6) Fieldstone, Lots 1-7, Concept Plat, Stoney Battery Road, P.E.L.S.A. Company, Inc., First Election District

Mike Paraskavich, Mr. Willard, owner, & Jay Emery, Esquire appeared and presented an overview of the project. Changing one note on plan in graphic illustration. Proposing to subdivide 6 acres into 7 lots within the minimum lot size. Each lot will be roughly 4 acres.

James Kyte, Fire Chief Representative, asked how close water supply is. Applicant stated there is a pond on lot #2 that holds water. Kyte also asked if there is a driveway to the pond & applicant stated yes. Consider dry hydrant.

Joe Moore, CC Health Department, read their comments. See attached.

Chris Brown, SCS, read their comments and presented the comments and appropriate soils maps to the applicant. .

Daniel Graham, Citizen's representative, read their comments. Concerns on over crowded schools and traffic problems. Graham remarked that the entrants to Stoney Battery Road are very close.

Mark Woodhull, CCDPW, read their comments listed below:

1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. How will SWM be addressed for these lots?
3. What is meant by the line drawn around the Lot 2 symbol?
4. All driveways must be identified on the preliminary plat.
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 5.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 5.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 5.3 Requirements for Utility relocations.
 - 5.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 5.5 Requirements for Driveways.
 - 5.6 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

7. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - c. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - d. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
8. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
9. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
10. An Inspection & Maintenance Agreement is required for the private SWM facilities.
11. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
12. Applicant must provide stopping sight distance measurements for the Stoney Battery Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Tony Di Giacomo, CCP&Z, read the comments of MDE. The plat indicates the water supply source to be "private well". If this is to be a community supply, a water appropriation and use permit will be required. If individual wells are intended, a seven-lot subdivision does not require a water appropriation and use permit for final plat.

Tony Di Giacomo, CCP&Z, read their comments listed below:

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

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

This property was previously reviewed under the name Quail's Crossing.

Zoning: SAR & RCA

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat proposes 7 lots on 56.03 (was 66.03) acres, for a proposed density of 1/8.00. Bonus density is not an issue.

The Critical Area RCA overlay zone permits a density of 1/20. The previous, Quail's Crossing, submission proposed only common open space is for the 6.8 RCA acres. This proposal, however, shows portions of 4 lots within the Critical Area boundary, for a proposed RCA density of 1/1.7. Thus, this design cannot be approved. An environmental assessment must be submitted in accordance with §200.1 of the Zoning Ordinance.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁸

Slopes greater than 25% must be shown on the Preliminary Plat. The steep slopes need to be differentiated between those greater than 25% and those between 15% and 25%.

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'. Two 100-year floodplains have been labeled. That must be corrected.

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.¹⁹

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 and no sidewalks are recommended in the SAR zone.

Bufferyard Standard C is not required along the Stoney Battery Road frontages.

¹⁸ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹⁹ 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 or the large lot, a JD need not be done.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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

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

The FSD and conceptual environmental assessment were approved on 5/4/06.

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

The final Forest Conservation Plan (FCP), Environmental Assessment, 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Why hasn't an interior road been proposed?

4 of the 7 lots are panhandle lots. Proposed lots 1, 4, 5, 6 and 7 exceed the 3:1 length to width ratio established in §7.4.2.

The superfluous "s" in "parcels" in the vicinity sketch must be eliminated.

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.

7) Lands of Barry Montgomery, Lots 2B-2D & 4A-4B, Preliminary Plat, Camp Meeting Ground Road, Jackson Park & Principio Roads, McCone, Seventh Election District.

Barry Montgomery, owner & Mike Burchman appeared and presented an overview of the project. Will be creating 3 additional lots. John Litzenberg planned to develop this land in the 70's. Properties have some good percolations and some do not.

James Kyte, Fire Chief Representative, reported no comments.

Joe Moore, CC Health Department, read their comments. See attached.

Chris Brown, SCS, read their comments and presented the comments and appropriate soils maps to the applicant. .

Daniel Graham, Citizen's Representative, read their comments. There is a strip of land not belonging to the developer on the near side of Camp Meeting Ground Road. Jerry Vanhart owns 10'x100' and his neighbor owns 40' x 200'. Could cause a traffic problem and lower the water table. Hill on road and at least 2 accidents. Cars do not obey the 35 mph speed limit.

Mark Woodhull, CCDPW, read their comments listed below:

1. SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Why haven't driveway locations been shown on the preliminary plat? Applicant to show locations on plat.
3. Where will Lots 2C & 2D access Principio Road? A forestation is proposed along their entire frontage.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 4.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 4.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 4.3 Requirements for Utility relocations.
 - 4.4 Requirements for Driveways.
 - 4.5 Stopping sight distance requirements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
5. Adequate Stopping sight distance measurements must be provided for all driveway locations.

Tony Di Giacomo, CCP&Z, read the comments of MDE. A water appropriation and use permit will not be required for final plat.

Tony Di Giacomo, CCP&Z, read their comments listed below:

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. This Concept Plat proposes 5 lots on 36.6 acres, for a nominal proposed density of 1/7.32.

Proposed Lots 4A - 4B would result from dividing Lot 4 of Minor Subdivision # 3546. Proposed Lots 2B – 2D would result from dividing Lot 2A, created along with Lot 5 of the H. Barry Montgomery Lots 2A & 5 major subdivision, which, in turn, were created by subdividing Lot 2 of Minor Subdivision # 3546.

The H. Barry Montgomery Lots 2A & 5 Preliminary-Final Plat was approved on 11/21/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to recordation;
- 4) The Landscape Agreement being executed prior to recordation; and
- 5) Deed restrictions for the long-term protection of any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of any FRA being shown on the record plat.

If this proposal is approved, then the 4 lots created by Minor Subdivision # 3546 will have multiplied into 8 lots – all with individual access points on County roads.

If this proposal is approved, then the density of the H. Barry Montgomery Lots 2A & 5 subdivision would increase to 1/4.833.

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres.²⁰ Since this proposal consists of more than 25 acres, why hasn't a Concept Plat been submitted for review? Applicant stated they were thinking it was under 9 lots and did not have to deal with acreage.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²¹

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'.

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

²¹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A 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.

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 forest retention area, a JD need not be done. The approved FCP for Minor Subdivision # 3546 shows the wetlands to be in the FRA.

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

No common open space is required. 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 Camp Meeting Ground, Jackson Park and Principio Roads.

A Bufferyard b Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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

The FSD was approved on 11/1/04.

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

An FCP for Lots 1-4 was approved on 1/13/05, in conjunction with Minor Subdivision 3546. Because the proposed lots are not shown, a revised FCP and Landscape Plan must be submitted.

Technically, they cannot be approved because they are inconsistent with because a recorded plat. Therefore, although they ordinarily must be approved prior to the Planning Commission's review of the Final Plat, in this case, they must be approved prior to recordation.

A Landscape Agreement must be executed prior to recordation.

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

Proposed Lot 2B exceeds the 3:1 length to width ratio established in §7.4.2.

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

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.

8) Stony Run Creek Estates, 49 Lots, 34 Apartment Units, Razor Strap Road, McCone, Fifth Election District.

Mike Burchman & John Jansen, owner, appeared and presented an overview of the project. 45 acre parcel proposing a mixture of uses on this property. 14 townhouse units, 35 single family units and 34 apartment units. Road for 14 townhouses will come from Silverado into Jansen parcel. Interconnection road with Northwoods division to provide access road for all 3 projects.

James Kyte, Fire Chief Representative, read the comments of North East Fire Company. Fire hydrant locations to be shown on plat.

James Kyte, Fire Chief Representative, asked about parking spaces for this project. Applicant stated that the parking spaces will be in accordance with Zoning regulations which will be 3.5 spaces per townhouse unit and apartments. Kyte also asked about road widths. Applicant stated 50' ROW for single family units, 24' wide access way between parking for the apartments and 38' ROW for townhouse. Townhouses will have pull-in parking. All streets under 30' wide will need No Parking signs installed.

Joe Moore, CC Health Department, read their comments. See attached.

Chris Brown, SCS, read their comments and presented the comments and appropriate soils maps to the applicant. .

Daniel Graham, Citizen's Representative, reported no comments.

Mark Woodhull, CCDPW, read their comments listed below:

1. A SWM plan, Road & Storm Drain plan, a Sanitary Sewer System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. 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. 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. All easements for the water lines must be reflected on the final plat.
3. How do you propose to obtain access to Red Oak Drive in Northwoods? Applicant stated that the original concept plan was approved in 1988 and showed a stub road into Jansen's property. In 1995 the concept plan was revised and at that time no notification requirements. Jansen has made several attempts to contact Northwoods.
4. Have you discussed the proposed layout with those developing the Lands of Mars? Applicant stated that a traffic impact study has been done for the Mars property.
5. The applicant will be required to address traffic impact on the internal streets in both Northwoods and the Mars property, generated by this development.

6. A Traffic Impact Study should be required for this development to address its impacts on the road networks serving the connected developments.
7. The applicant will be responsible for sharing in the cost of off site road improvements imposed on the developments you propose to connect to.
8. The proposed road extensions accessing the Mars property will require a 30' pavement width within the 50" ROW.
9. How will overflow off-street parking be addressed in the townhouse section?
10. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 10.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 10.2 Requirements for Utility relocations.
- 10.3 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 10.4 Requirements for Public Works Agreements.
- 10.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 10.6 Requirements for Driveways.
- 10.7 Requirements for Final Plat - Public Sewer Allocation.
- 10.8 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
3. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
4. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
7. If a County-owned and maintained sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
8. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Tony Di Giacomo, CCP&Z, read the comments of MDE. A water appropriation permit will not be required for final plat.

Tony Di Giacomo, CCP&Z, read their comments listed below:

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

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

Zoning: RM

Density: The MR zone permits a maximum base density of 2 du/ 1 ac., 6/1 with community facilities, 12/1 for townhouses, and 16/1 for apartments. This Concept Plat was presented to the Planning Commission, for information only, on 8/21/06. It proposes 14 townhouse lots, 35 single family lots, and 34 apartment units on 45.4 acres, for a proposed overall density of 1.83/1.

Because 0.51 acres are actually the lands of Montgomery Brothers and 0.12 acres are shown to be owned by Messrs. Weed & Schneider, only 44.8 acres are actually owned by the applicant.

A Stoney Run Creek Estates Concept Plat was reviewed by the TAC on 9/1/04. However, it never proceeded to the Planning Commission.

The proposed Concept layout now shows access/connectivity points between Stoney Run Creek Estates and:

- 1) Silverado
- 2) Northwoods
- 3) The Villages of Stoney Run

Silverado received Preliminary Plat approval on 4/17/06.

The Northwoods Concept Plats were approved February 1988, and 11/20/95. The Final Plats for Sections 1-4, were approved April 1990, December 1997, 12/18/00, and 1/21/04, respectively. The Section 5 Preliminary Plat was previously reviewed this morning.

A Villages of Stoney Run Concept Plat was reviewed by the TAC on 8/3/05. It also never proceeded to the Planning Commission.

There has been obvious coordination with the Silverado development, and the design generally matches up favorably with that proposed in the Villages of Stoney Run submission – which still has not been approved as a Concept Plat.

However, this design is in conflict with the approved Northwoods Concept Plat. Therefore, unless the applicant can secure agreement for the shown connectivity with the developers of Northwoods, and a combined Section 5 Final/Revised Concept Plat is approved, it is difficult to see how this design can be achieved.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²²

²² The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

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.²³

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

15% common open space is required for the single family portion of the project. 20% common open space is required for the townhouse portion, and 20% open space is required for the apartments. 29.8 acres, approximately 65%, of open space is proposed, but the common open space has not been clearly differentiated from the open space. All common open space must be clearly labeled and referenced as such.

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

A minimum 25% landscaping of the development envelope is required in the RM zone. In addition, 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, trees, shrubs, gardens, or other suitable ground cover, and a 25' peripheral buffer yard is required.

Sidewalks are recommended along both sides of all internal roads. Bike lanes should also be considered.

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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 MD DNR.

²³ 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 or the large lot, a **JD** need not be done.

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Proposed Lots 1-2 and 4-14 exceed the 3:1 length to width ratio established in §7.4.2. In addition, there needs to be a strip of common open space between proposed lots 9 and 10. As is, there would be no easy access to the Stormwater Management facility or the rear yards of proposed Lots 5-8 and 11-13. How would the rear yards of proposed Lots 1 & 2 be accessed, other than through the townhouse? Applicant stated both lots will have access easements along both end units.

The proposed road names Brook Shore Drive and Forrest's Lane have been approved.

Fire hydrant locations and spacing must be finalized in consultation with the North East Fire Company and DPW.

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

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

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

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

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

The applicant is reminded that §'s 4.0.13 (h) & (i) require that the apparent AT&T easement be shown on the Concept Plat. Documentation of any necessary easement agreements with AT&T will be

required prior to the Planning Commission's review of any Final Plat. Any documents requiring recordation must be recorded prior to the recordation of 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.

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

9) Stanfield, Lots 9-22, Concept Plat, Middle Road, McCone, Fourth Election District.

Mike Burchman appeared and presented an overview of the project. Started in mid 90's. Concept plan approved for 6 lots. Remaining 70 acres under contract by L.L.C. Proposing 14 residential lots of 5 acres per dwelling unit to stay within standard density of NAR Zoning. Extending Stanfield Drive to cul-de-sac. Extension off cul-de-sac to attach common open space to road system and will allow access to SWM area. Modified layout from previous plan.

James Kyte, Fire Chief Representative, asked if they are considering doing anything about a fire suppression tank. Applicant stated they will talk to their client about a location for the tank. Pond sits off road approximately 300'.

Joe Moore, CC Health Department, read their comments. See attached.

Chris Brown, SCS, read their comments and presented the comments and appropriate soils maps to the applicant. .

Daniel Graham, Citizen's Representative, read their comments. Lot #4 is a headrow and was supposed to be left in tact. This was assured by developer of first Stanfield. Open space could be accessed from cul-de-sac and leave new lot #20 as is or not built on.

Asked if the tree row between lot #8 & 9 will be removed partially or entirely. Applicant to check on this.

Is there a water management pond? Yes – behind lot #15.

Will restrictions currently in existence be altered in anyway? Yes.

How long does the developer have to get the road paved? 80% of new homes.

Will the construction vehicles be using the main Stanfield Drive during construction? Yes.

Will the front entrance adornments on each side be changed? No.

Is there overcrowding in schools? No.

Mark Woodhull, CCDPW, read their comments listed below:

1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. How will SWM be addressed for this development? Applicant stated they will be using a swale behind lot #14 to bring water around.
3. Is the existing pond on Lot 21 intended to be used as part of the SWM plan for this development? Applicant stated no. If the existing pond is proposed to serve as a SWM BMP an as-built and a dam breach analysis will be required. This information must be provided with the SWM submittal for this project.
4. Stopping sight distance measurements must be provided for Lot 22. If Lot 21 does not use the existing driveway stopping sight distance will also be required.
5. A Protocol Three road condition survey & improvement plan will be required for Stanfield Drive.
6. The applicant should be aware that the Department may require improvements to Middle Road to mitigate this development's impact. This will be determined by the CCDPW.
7. The extension to Stanfield Drive must have a 20' pavement with if open section road is proposed. If closed section is proposed 30' pavement width will be required.
8. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 8.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 8.2 Requirements for Utility relocations.
 - 8.3 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 8.4 Requirements for Public Works Agreements.
 - 8.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 8.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
3. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
4. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Tony Di Giacomo, CCP&Z, read the comments of MDE. What will be the water supply source? If either individual domestic wells or a community supply are intended, a water appropriation and use permit will be required for final plat.

Tony Di Giacomo, CCP&Z, read their comments listed below:

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3.

The original Concept Plat, under the name "Lands of Stanley L. Barczewski" and zoned NAR, proposing bonus density, with 26 lots on approximately 84 acres, was approved on 7/18/94. It has subsequently expired.

The original Preliminary and Final Plats, for Lots 1-8 only, were approved on 2/21/95 and 4/17/95, respectively.

This Concept Plat proposes 14 lots on 70 acres, for a proposed density of 1/5 for this section. However, adding Section 1's 8 lots and 13.971 acres yields an overall proposed bonus density of 1/3.82. That must be reflected on the plat.

The fourth condition of the 4/17/95 Final Plat approval was "common open space being recorded with the next section." Thus, based upon 83.971 acres, at least 12.6 acres of common open space must now be provided, regardless of whether the Planning Commission now grants bonus density, or not. In fact, 14.8 acres of common open space is now proposed.

The fifth condition of Final Plat approval was "the large lot being included on the plat for the final section." If the Planning Commission does not now grant what amount to overall bonus density, then that condition will be moot. If it does, then proposed Lot 21 would serve as the large lot, and its 40 acres would consist of 47.64% of the original 83.971 acres.

Together, the proposed 14.8 acres (17.63%) of common open space and the large lot's 40 acres (47.64%) comprise 65.27% of the original project area, and both of the above conditions have been satisfied – although the original Concept Plat's density approval, upon which condition # 5 was based, has long since expired.

If the Planning Commission does not grant what amounts to overall bonus density, then, based upon the original 83.971 acres, only 8 more lots can be realized under the current 1/5 NAR density. Given conditions 4 and 5 of the 4/17/95 Final Plat approval, for which there is no expiration, this section must be viewed as part of the whole.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices

shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²⁴

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.²⁵

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

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

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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 MD DNR.

The original FSD was approved on 7/8/94 and has expired. A new 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

²⁴ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

²⁵ 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 or the large lot, a **JD** need not be done.

The road name Stanfield Drive was previously approved.

Was any consideration given to designing the layout in such a way that proposed Lots 21 and 22 would not directly access Middle Road? Applicant stated that lot #21 currently accesses Middle Road.

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

Covenants prohibiting the subdivision of the potential 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 Monday noon submission deadline for review by the Planning Commission this month.

10) Sun Valley Estates, Lots 1-26, Concept Plat, Valley Road, McCone, Fourth Election District.

Mike Burchman appeared and presented an over view of project. Walter Barcheski is property owner. Proposing 26 lots on 13.17 acres – 2 units per acre. Currently a water line exist at Valley Road. Submitted plan for technical review with intention of some sort of sewer service to property so they can have public sewer and water. Lot #21 is a panhandle lot which includes existing house and out building. Out buildings on lot #16 and cul-de-sac will be removed.

James Kyte, Fire Chief Representative, asked if there were closed roads and sidewalks. Applicant stated yes – proposed for closed section roadway 22' wide. No Parking signs to be installed. Each home to have 4 parking spaces so there is no on street parking. Applicant to consult local fire company in reference to fire hydrants.

Joe Moore, CC Health Department, read their comments. See attached.

Chris Brown, SCS, read their comments and presented the comments and appropriate soils maps to the applicant. .

Daniel Graham, Citizen's Representative, reported no comments.

Mark Woodhull, CCDPW, read their comments listed below:

1. A SWM plan, Road & Storm Drain plan, a Sanitary Sewer System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. This property is outside of the Master Water & Sewer Plan (MWSP) coverage area. Therefore the applicant will need to request an amendment to the MWSP Plan. If this site is brought into the Master Water & Sewer Master Plan, applicant must obtain an allocation for public sewer and water prior to final plat.
3. No water or sewer allocation is available to this site at this time. The comments that follow presuppose that the Applicant somehow remedies this lack of available capacity.
4. The ability of the existing water distribution system, together with the proposed extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View – Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC in October 2004.
5. Will this site require an onsite lift or pumping station to connect to the Highlands WWTP? Applicant stated they have not looked in to this.
6. 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.
7. What is the proposed disposition of the existing structures on site? Applicant stated they will be removed.
8. The developer shall upgrade Valley Road for a distance of 100' either side of the point of intersection between the proposed entrance and Valley Road. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
9. Applicant must provide stopping sight distance measurements for the Valley Road access to DPW prior.
10. The applicant must provide a Protocol 2 Road Condition Survey & Road Improvements Plan for Valley Road. The extent of this survey will run this sites northern most road frontage to the intersection with Barksdale Road. The Department may require the applicant to perform off-site upgrades to Valley Road based on the findings of this condition survey.
11. Have you had any discussions with the adjacent property owner you propose connectivity with. This Department is aware of a conceptual layout for the Estates at Barksdale property and a street stub is shown into this site. The stub adjacent to Lots 9, 10, & 11 should be terminated at the P.C.'s of the intersection without the need for a Tee-Turnaround.
12. Arianna Avenue must be extended to the property line and ended in a tee turnaround unless the Estates at Barksdale with their portion of the connecting street has been constructed.
13. With the minimum lot frontage being 65' Section 2.07 of the Road Code requires that a curbed road section be used throughout the development. With closed section road and the size of these lots the Department will require that a 30' wide pavement section be constructed within the 50' ROW proposed.
14. Lots 1 & 26 must be denied access to Valley Road along their entire road frontage. Add a note indicating the same to the final plat. And both lots must also be denied access to the proposed road for the first 75' as measured from the point of intersection with Valley Road. All denied access must be identified on the Final Plat as well as the Lot Grading Plan.
15. Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.

16. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 16.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 16.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 16.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 16.4 Requirements for Utility relocations.
- 16.5 Requirements for Public Works Agreements.
- 16.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 16.7 Requirements for County Roads.
- 16.8 Requirements for Driveways.
- 16.9 Requirements for Stopping Sight Distance Measurements.
- 16.10 Requirements for Final Plat - Public Sewer Allocation.
- 16.11 Requirements for Sewer Service Cleanouts – Location

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Valley Road be upgraded to a Minor Collector Road or equivalent standard for 100’ either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Valley Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Valley Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
10. If a County-owned and maintained sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
11. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Tony Di Giacomo, CCP&Z, read the comments of MDE. A water appropriation and use permit will not be required for final plat if Meadowview is able to supply these lots.

Tony Di Giacomo, CCP&Z, read their comments listed below:

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

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

Zoning: SR

Density: The SR zone permits a maximum base density of 1 du/ 1 ac., or 2/1 with community facilities. This Concept Plat proposes 26 lots on 13.17 acres, for a proposed density of 1.97/1.

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

The Flood Certification Note has cited the wrong FEMA panel numbers. That must be corrected.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²⁶

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.²⁷

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

15% common open space is required; 17.3% is proposed.

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

²⁶ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

²⁷ 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 or the large lot, a **JD** need not be done.

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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 MD DNR.

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 (§6.2.B(1), Cecil County Forest Conservation Regulations).

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed road name, "Green Way Drive," has been approved.

The stub to the proposed Arianna Avenue in the previously-proposed Barksdale Estates has approximately the correct alignment, as shown.

Fire hydrant locations must be selected in consultation with the Singerly Fire Company and DPW.

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 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 Master Water and Sewer Plan does not include this parcel. Therefore, the Master Water and Sewer Plan must be amended to include this site prior to the Planning Commission's review of the Final Plat.

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

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

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

What will be the disposition of the existing structures?

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

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

11) Acorn Village, a/k/a Ragan Subdivision, Lots 1-13 and Remaining Lands, Concept Plat, MD Route 274 & Theodore Road, RJ Engineering, Fifth Election District.

Bob Blomquist & Barry Montgomery, owner/developer, appeared and presented an overview of project. Back for further discussion on this project. Making adjustments – going from 16 lots down to 13 lots.

James Kyte, Fire Chief Representative, asked if streets were going to be 30' wide streets. Applicant stated 20'-24' pavement streets but will do what requirements are. Kyte also asked if the cul-de-sac can be improved because it is too small. Applicant stated that they will see what they can do. Will not need No Parking signs if there is not going to be closed section streets.

Joe Moore, CC Health Department, read their comments. See attached.

Chris Brown, SCS, read their comments and presented the comments and appropriate soils maps to the applicant. .

Daniel Graham, Citizen's Representative, reported no comments.

Mark Woodhull, CCDPW, read their comments listed below:

1. 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. 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. All easements for the water lines must be reflected on the final plat.

2. A SWM plan, Road & Storm Drain plan, a Sanitary Sewer System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
3. Based upon the current permitted WWTP capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval, concept through final, no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at his own risk.
4. Final approval of the design for the proposed County road is contingent upon the developer obtaining the SHA access permit to MD 274.
5. The cul-de-sac bulb ROW does not comply with the Road Code.
6. Per the Department's request a 30' wide pavement section is proposed.
7. What is the proposed disposition of the pond/wetlands on 13-16 and field drain piping on site? The Department has concerns about the impact of this pond's drainage on houses proposed for Lots 12 & 13.
8. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc...) on down-gradient properties so impacted must be identified on the SWM Plans.
9. The design for this development must satisfactorily address the off-site drainage from up-gradient properties (i.e. Lands of Heilander) currently crossing this site.
10. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 10.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 10.2 Requirements for Utility relocations.
 - 10.3 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 10.4 Requirements for Public Works Agreements.
 - 10.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 10.6 Requirements for County Roads.
 - 10.7 Requirements for Driveways.
 - 10.8 Requirements for Final Plat - Public Water and Sewer Allocation.
 - 10.9 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
3. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
4. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The internal street grade leaving Maryland Route 274 may not exceed 5% within the limits of the intersection right-of-way.

7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. If a County-owned and maintained public water & sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Tony Di Giacomo, CCP&Z, read the comments of MDE. A water appropriation and use permit will not be required for final plat if North east is able to supply these lots.

Tony Di Giacomo, CCP&Z, read the comments of SHA. See attached.

Tony Di Giacomo, CCP&Z, read their comments listed below:

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

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

Zoning: SR & BL

Density: The SR zone actually permits a density of 1 du/ 1 ac., or 2/1 with community facilities. On approximately 6 acres, 12 major subdivision lots could be allowed. Parcel 295 has the potential for 4 minor subdivision lots remaining. The number of major and minor subdivision lots must be cited on any plat submitted for Planning Commission review. If applicable, the stated density must reflect an acreage adjustment for any part of the proposed Nut Street that is within the BL zone.

General Note # 14 and the Density Tabulation indicate that remaining minor subdivision potential of Parcel 295 is being used to invoke the density provisions of §2.4.1.

Minor Subdivisions 1205, 1255, 1384 & 3590 have been referenced on the plat.

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

The development of the remaining BL lands must be in accordance with §'s 31, 291, and possibly 69.²⁸

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²⁹

²⁸ A single family detached dwelling is permitted in the **BL** zone "provided that the dwelling is for the owner, operator, or employees of an on-site business."

²⁹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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 all non-tidal wetlands and intermittent streams present. A significant portion of proposed Lots 13-14 consists of wetlands and wetlands buffers.

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.³⁰

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

The 15% common open space requirement appears to have been satisfied. As stated at TAC review, the common open space must be clearly labeled 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. The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

A minimum 20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on at least one side of the proposed Nut Street.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 274 and Theodore Road.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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 was approved on 6/16/06.

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

³⁰ 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 or the large lot, a **JD** need not be done.

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Road name "Nut Street" has been approved.

In terms of layout, what is the rationale for not providing an additional access to Theodore Road?

Per §7.2.12.E.5, the proposed Nut Street entrance is offset at least 125' from the Old Farmington Road intersection on the opposite side of MD 274.

Fire hydrant locations must be selected in consultation with the North East Fire Company and DPW.

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

The Master Water and Sewer Plan classifies this site as W1, W3 and a portion as S1. The Master Water and Sewer Plan must be amended to include the balance of this site prior to the Planning Commission's review of the Final Plat.

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

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

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

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

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

12) Kirks Mill Manor, 15 Lots, Preliminary Plat, MD Route 274 & Kirks Mill Lane, RJ Engineering, Ninth Election District.

Bob Blomquist appeared and presented an overview of the project. In recent months have done a lot of work. Received concept approval. Have done further perc work. Would like to present for review.

James Fyte, Fire Chief Representative, left meeting. See attached comments.

Joe Moore, CC Health Department, read their comments. See attached.

Chris Brown, SCS, read their comments and presented the comments and appropriate soils maps to the applicant. .

Daniel Graham, Citizen's Representative, reported no comments.

Mark Woodhull, CCDPW, read their comments listed below:

1. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The plan lacks substantial information for the Department to make a complete review. The preliminary plat is required, by the Subdivision Regulations, to provide a detailed presentation of proposed infrastructure for a project.
3. The existing pond is proposed to serve as a SWM BMP therefore an as-built and a dam breach analysis will be required. This information must be provided with the SWM submittal for this project.
4. SWM BMPs cannot be located within the 100-Year Flood Plain, stream buffers, and/or wetland buffers. All three SWM areas proposed are partially located within the same.
5. Access must be provided to each SWM pond from county ROW to allow for inspection & maintenance. This is one of the reasons the Department strongly recommends that SWM BMPs be located in common open space. If they are located on individual lots who will own and maintain them? An access easement will be required on each lot containing any structural BMP.
6. If the existing swale on Lots 11-13 remains and is proposed as SWM conveyance and/or treatment a private SWM easement must be provided for it. Verify adequate separation distance between the swale and the septic reserve area on Lot 12. Adequate separation is required between the ponds and SRAs.
7. We have received a SSD submittal on 7-12-06
8. Please discuss the intent of the one (1) acre lot proposed to be dedicated to the BOCC.
9. The deed language for Lots 10 & 11 must address the rights and responsibilities of each owner in regards to the proposed shared driveway.
10. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 12.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note
 - 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 10.3 Requirements for Utility relocations
 - 10.4 Requirements for Public Works Agreements
 - 10.5 Requirements for Stormwater Inspection and Maintenance Agreements
 - 12.6 Requirements for County Roads .
 - 12.7 Requirements for Driveways.
 - 12.8 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the private mini road and the county road & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving MD Rte 274 may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways accessing a County Road must be paved at least to the right of way. If the mini-road is paved, this requirement will be expanded to the mini-road right-of-way. The driveway paving must be complete for all lots at the time when the surface course for the internal county roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the county roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Biggs Highway (MD Rte 274) may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Tony Di Giacomo, CCP&Z, read the comments of MDE. A water appropriation and use permit will be required for final plat.

Tony Di Giacomo, CCP&Z, read the comments of SHS. See attached.

Tony Di Giacomo, CCP&Z, read their comments listed below:

This proposal is in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: NAR (maximum base density of 1 du/ 5 ac.).

The original Concept Plat proposing a total of 15 lots on 96.36 acres, for a proposed density of 1/6.42, was originally approved on 12/19/05.

The revised Concept Plat, with the same density but a significantly new layout was approved on 7/19/06.

Bonus density eligibility was not an issue.

The boundary line survey has been completed. Has a copy been submitted?

This Preliminary Plat is generally consistent with the approved revised Concept Plat. Lot configurations and sizes have changed, yet the same lots acreages have been provided. The applicant is advise that, pursuant to §4.1.22 (a) that unless any Preliminary Plat that is submitted for review by the Planning Commission shall be returned unless appropriate acreage adjustments have been made.

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.³¹ 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'. As Hatboro is a hydric soil, the stream buffer must be expanded.

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.

Documentation of the completed JD is required prior to the planning Commission's review of the Preliminary Plat. However, the Corps of Engineers advises that JDs are on "hold" pending resolution of the implications of a recent Supreme Court decision. Under those uncertain circumstances, staff will recommend that any approval of a Preliminary Plat prior to said resolution contain a condition that documentation of the completed JD be submitted if JDs are once again performed.

There are no habitats of rare, threatened, and endangered species on site.

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 274 and Kirks Mill Lane.

A Bufferyard A has been shown on proposed Lot 4 and is required on 14 and 15 unless the dwellings are located at least 300' away from the property line. On the other hand, the access to the Jourdan is in a Bufferyard A, which would conflict with §187.3.

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 FSD has been approved.

³¹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

The PFCP has not been submitted.

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

A Landscape Agreement must be executed prior to recordation.

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

The proposed road names have been approved.

A Mini-Road Maintenance Association must be established for maintenance of the mini-road prior to recordation. All lot owners accessing the mini-road must become members.

15% common open space is required. Approximately 17% (was almost 25%) has now been proposed. All "common open space" must be labeled and referenced as such, as was a condition of Concept Plat approval.

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 contiguous operating farms notice has been provided on the plat as Note # 16.

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

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE

Wednesday, October 4, 2006, 9:00 a.m.

**County Administration Building
107 North Street, Elkton, Maryland**

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Moore, Joe (DEH), Brown, Chris, (CCSCS), Latham, Cynthia (MDE), Kyte, James (FA), Bakeoven, Jennifer (CCP&Z)

Absent: Cwiek, Philip (USACoE), Reynolds (Delmarva Power), Markwardt, Bob (CCBoE), Graham, Daniel (Citizens Rep.), King, Butch (SHA)

Mr. Di Giacomo called the meeting to order at 9:05 a.m.

1) Springhill, Section 2, Lots 5-18 and 23-27, Concept Plat, Ridge & Spring Hill Roads, American Engineering and Surveying, Inc., Sixth Election District.

James Sherrard, Project Manager/owner of property and Stanley Granger from American Engineers appeared and presented an overview of the project. They came to present the final build out section for Springhill. Originally the plan consisted of too mini roads. The owner of the property has made plans to build two (2) county specification roads with a closed section with curb and gutter. Stanley Granger had asked Mr. Woodhull if they have to request the reduction in right of way. Mr. Woodhull stated that the DPW does approve that. He also stated that they would have to submit with a variance request.

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

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.

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. If storm water 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.
3. 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 they were intending to use the existing pond for SWM. Yes. He also asked if they had any other locations they may have for water. Mr. Granger had mentioned having the open space area. Mr. Woodhull then said if they are going to use the existing pond, they will need to address SWM submittal how the pond meets the Pond 378 requirements as well as an as-built of the pond so they know what they are working with as a baseline.
4. Are Natalie Way and Amber Court proposed as private mini-roads? They are being proposed as County roads. If they are proposed as public roads they are in noncompliance with Section R-14 of the Road Code due to the diameter of the cul-de-sac bulbs (100' shown vs. 150' required). Stanley Granger said they would be getting a variance for Section R-14. Mr. Granger than asked who grants the variance, whether it is

the PC or DPW. Mr. Woodhull said it is DPW but PC can make recommendations. He also stated that the applicants would have to justify reducing the radius in the cul-de-sac.

5. If they are to be private mini-roads they 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.)
6. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense. Mr. Woodhull then pointed out the location of the utility poles to the applicants.
7. 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.
8. 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. Do to the number of homes, the DPW will recommend that a traffic study be done for this subdivision. Mr. Di Giacomo asked Mr. Woodhull if that would be a full TIS or a modified TIS. It would be a modified TIS.
9. 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.
10. All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.
11. An I&M Agreement will be required for all SWM facilities.
12. A PWA will be required for the roads and storm drains.

Mr. Brown, SCS, read their comments (see attached) and gave Soil Maps to applicant.

1. Springhill, Section 2, Lots 5 – 18 and 23 – 27, Concept Plat

- "The proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided."
- "All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District."
- Check the tax map location.
- Review and revise the General Note #3.
 - o The soils for this property are not located on map 27 or 30. The information on maps 27 and 30 are from the elk neck area.
- It is recommended that the property line that is going through the dam of the pond be moved or a maintenance easement/contract be created to care for the pond.
- Multiple soils are shown on the map of the property that is not shown on the soils table.

Mr. Kyte, (Fire Chief Representative), asked if they are considering a fire suppression tank. Mr. Kyte suggested that they might put a tank around lot #14. He also mentioned that the pond is far off of the road and that it runs downhill. It may be a problem having to push water uphill without the use of a lot of engines. Stanley Granger stated that they didn't consider it up to this point. Stanley inquired whether there was a hydrant at the pond to which Mr. Kyte answered no. Mr. Kyte goes on to explain that the pond is approximately 3000 ft. from the site. Mr. Kyte then offered the applicants the CC Fire Dept. guidelines for fire suppression tanks. He also questioned about downsizing the cul-de-sac. He wanted to know if the cul-de-sac's would be at least 100 ft of blacktop (across in diameter). The applicant answered that they were looking at making a 50 ft. radius. Mr. Kyte stated that this would bring it to a 75 ft blacktop area. An ambulance takes 66 ft. to turn around and a fire truck takes up to 120 ft. turn. Mr. Kyte then asked if the streets would be narrowed to 22 ft wide with curbs. Stanley Granger was unsure but thought it was 24 ft. Mr. Kyte stated that anything under 30 ft, no parking signs need to be put on both sides of the street.

Ms. Latham, MDE, said they will need a water appropriation permit before final plat.

Mr. Moore, DEH, see attached comments. Mr. Moore asked if the preliminary plat would be a 100 ft. scale or larger. They answered yes.

Mr. Di Giacomo stated that the SHA has no comment for this plat.

Mr. Di Giacomo asked on behalf of Mr. Markwardt with the CC BoE, what will the size, price and start date for the project be. 3800 square foot of living space, between \$500,000 to \$700,000, and James Sherrard said that they are looking to spread the sale of the lots over a long period of time. His initial plan is for no more than two lots per year over the next 10-11 yrs.

Mr. Di Giacomo read the comments for Mr. Graham, Citizens Representative. Mr. Graham stated in a telephone conversation with Mr. Di Giacomo that he had received a concern from a Mr. Kirk. Mr. Kirk wanted to gain ownership of the triangle shaped area on the property on the opposite side of Springhill Rd. James Sherrard stated that neither he nor the other partners had any interest in acquiring the stated property. He also said that Mr. Kirk would have to prepare to add on subdivision at his expense and that they would not charge him for transferring those properties.

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

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac.

The original Spring Hill Concept Plat proposing 19 lots on 98.501 acres for a density of 1/5.18, was approved on 12/21/98, conditioned on:

Bonus density was not an issue.

The Section 1 Preliminary and Final Plats were approved on 4/19/99 and 8/16/99, respectively. Section 1 consisted of Lots 2 & 19-22.

Subsequently, another Spring Hill Concept Plat (for Section 2) for the remaining 14 lots 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, but it expired because §4.1.17 stipulates that Preliminary Plat approvals are valid for two years – if a Final Plat is not recorded within that timeframe. Per §4.0.9, the 12/21/98 & 3/19/01 Concept Plat approvals have expired, as well.

Consequently, a Section 2 Concept Plat was submitted and reviewed by the TAC on 11/3/04. It proposed only 14 lots, which, if approved, together with Section 1's 5 lots, would have yielded an overall Springhill proposed density of 1/5.1842 -- 19 total lots on 98.501 acres. Bonus density again was not an issue, and that Section 2 Concept Plat was consistent with the original density, but it was not subsequently submitted for review by the Planning Commission.

The Vicinity Map, Site Data Notes and Acreage Data Notes are confusing. The Vicinity Map indicates that the Tax Map in question is # 36, while the Site Data Notes cite Tax Maps 2, 3, & 10. This must be corrected prior to any submittal for review by the Planning Commission.

In addition, the Vicinity Map and the Acreage Data Notes indicate that Minor Subdivision Lot 1 is part of this proposal. Its acreage cannot be added to the remaining lands; in fact, the add-on acreage to Lot 1 must be subtracted from the remaining lands prior to calculating the proposed Section 2 density. What is the acreage of the add-on to Lot 1? Not sure at this time. Mr. Di Giacomo stated that that would need to be specified for the PC.

In addition, what is shown as an existing, but unlabeled, lot or parcel behind proposed Lot 23 is shown to be added to Lot 23. How was this lot or parcel created? They are going to be taking some land away from lot 1 and adding some to lot 1. Also making lot 18 and 23 larger, and then adding some back to lot 1 from lot 27.

Part of Lot 1 also appears to be proposed to be added to the remaining lands, on what would be the rear portions of Lots 18 & 23.

Only insofar as the add-ons of remaining lands to and from Lot 1 are proposed is Lot 1 and its acreage involved. What are those acreages? See answer above.

Add-ons A, B, C & D could not be located on the plat.

On the submittal reviewed on 11/3/04, the triangle of land on the east side of Spring Hill Road adjacent to the Kirk and Paffenroth properties was proposed to be added to the Lands of Kirk. Is it now proposed as common open space? All parties are in agreement that Mr.

Kirk would be obtaining that land. That and its acreage must be clearly indicated on any plat submitted for review by the Planning Commission.

Based upon the cited 88.417 acres (which may need adjustment) of remaining lands, 19 lots would yield a proposed bonus density of 1/4.65.

Based upon the original Concept Plat's acreage, all 5 existing Section 1 and the 19 now-proposed Section 2 lots on 105.598 would yield an overall bonus density of 1/4.397. The originally-approved Spring Hill Concept Plat's density of 1/5.18 was lower, and not bonus density.

Since lot acreages have not been provided, it is impossible to tell of proposed Lot 26 would qualify as a large lot, pursuant to §22.2.b (3). For that same reason, it is impossible to determine if all lots meet the minimum area requirement.

Proposed lots 8 and 12 appear to exceed the 3:1 length to width ratio established in §7.4.2.

The cited FEMA panel number in General Note # 1 is incorrect. That must be remedied prior to any submittal for review by the Planning Commission.

5 panhandle lots are proposed – 2 of them with extremely long and curving panhandles. Has any consideration been given to an alternative design, possibly with a looped road? Yes, they were considering purchasing land that came into lots 26 & 27.

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

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

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'.

An existing stream is depicted in the common open space running parallel to Spring Hill Road, but no stream buffer has been depicted on the plat. All common open space must be labeled and referenced as such.

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.¹

¹ 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 or the large lot, a JD need not be done

The word “wetlands” appears in the area of common open space, but the wetlands are not defined and no wetland buffer has been depicted. All common open space must be labeled and referenced as such.

The 100-year floodplain must again be shown on any Preliminary Plat.

The grass airstrip has not been shown. Does it still exist, and, if so, is it still used? It is completely abandoned.

The habitats of rare, threatened, and endangered species must be avoided.²

15% common open space is required. Based upon the total acreage figure of 105.528³ acres, a minimum of 15.829 acres is required; 21.896 acres of common open space are proposed.

All common open space must be consistently labeled and referenced as such. Most of the common open virtually inaccessible to all lots other than proposed Lot 27.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Ridge, Spring Hill, and Slicer’s Mill Roads. This will only be Ridge and Spring Hill Roads.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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.

Forest Stand Delineations (FSDs) were 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. Thus, if this should be approved, a new PFCP must be approved prior to the Planning Commission’s review of any Preliminary Plat.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. Beforehand, all references to an “approved Bufferyard C” must be deleted from the plats.

² Previously, a Natural Heritage Service indicated that bog turtles “were known to occur downstream within the drainage area of the project site,” and recommended that “appropriate sediment and erosion control measures be taken to minimize impact.”

³ This figure is subject to future adjustment due to the add-ons to and from Minor Subdivision Lot 1.

A landscape agreement for the bufferyard and street trees must be executed prior to recordation.

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

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. All lot owners in Sections 1 and 2 must become 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 is reminded of the Tuesday noon submission deadline for review by the Planning Commission this month.

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Rising Sun	Rising Sun	Rising Sun
FTE	793	702	1153
Capacity	671	785	1081
% Utilization	118%	89%	107%

REQUIRED INFORMATION:

- (a) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (b) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (c) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (d) Title information:
 - 1. Proposed name
 - 2. Scale of Plat
 - 3. Date
- (e) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (f) North point.
- (g) Boundary of proposed subdivision. This can be a deed plot.
- (h) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (i) Location of existing utilities on or within 200 ft of the parcel.
- (j) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (k) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (l) Zoning classification of tract.

2) Fieldstone, Lots 1-7, Concept Plat, Stoney Battery Road, P.E.L.S.A Company, Inc. First Election District.

Mike Paraskewich with P.E.L.S.A Co. and Doug Willard owner appeared and presented an overview of the project. This is a resubmission of the previous concept plan that was submitted to TAC. They reviewed the previous suggestions from TAC and made the proper adjustments. The adjustments that they had made started with adding a mini road called Whitetail Way. This would be considered a

private mini road servicing the 7 lots. They also created a 20 acre lot that includes the area in the Critical Area. Mike also stated that the design team is confident that the SWM can be met under DPW regulations although no specific design has been determined. He also stated that a preliminary wetland study has been started. They realize that Whitetail Way may be crossing part of the wetlands but they feel that it will not cause a major disturbance. They will be applying for the necessary permits needed to build over that area.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. How will SWM be addressed for these lots? Rooftops & Non Rooftop disconnects, etc. A concern that Mr. Woodhull brought to the applicant was with quantity control. There seems to be no open space available for a SWM facility. If one were to be created, CCDPW would like to know who would be responsible for the maintenance.
3. Private mini road proposed must comply with Section 2.13 of the Road Code including the following note on the final plat:
 - a. "The proposed internal road will not be dedicated for public ownership or maintenance. The Mini Road Maintenance Association shall retain title to the road and all maintenance responsibilities." (This should appear on the final plat)
4. Continue the proposed County ROW line across the proposed private mini road entrance.
5. All driveways must be identified on the preliminary plat. Includes driveways coming onto Whitetail Way and the propose driveway for lot 1.
6. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 6.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 6.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 6.3 Requirements for Utility relocations.
 - 6.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 6.5 Requirements for Driveways.
 - 6.6 Requirements for Stopping Sight Distance
 - 6.7 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 6.8 Requirements for Public Works Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
6. Applicant must provide stopping sight distance measurements for the Stoney Battery Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
7. Section 3.07.15 of the Road Code requires that Stoney Battery Road be upgraded to a Minor Road or equivalent standard for 100' either side of the proposed intersection location. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
8. A Public Works Agreement is required for the streets & storm drainage constructions.

Mr. Brown, SCS, provided soil maps for the applicant & read the comments for the department :

2. Fieldstone, Lots 1-7, Concept Plat

- "The proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided."
- "All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District."

Mr. Kyte, FA, had the following comments:

Mr. Kyte stated that he had previous conversations with the Hack's Point Fire Chief. There is a major concern regarding their very poor water source. The HPFC would like to know what plans are in place for a Fire Suppression Tank. Mike explained that they are looking into improving the existing pond. Mike also wanted to make clear that it is common for these lots, not to expect a surge of new homes being built right away that may cause problems for any area schools, fire departments, etc. Mr. Kyte explained that he was told by the HPFC that the closest water source to this area is about 4 miles away.

Ms. Latham, MDE, said that they will not require an appropriation permit.

Mr. Moore, DEH, read the comments of the department, see attached.

Mr. Di Giacomo explained that we were expecting a representative from the Critical Area Commission and that he had no comments from that department.

Mr. Di Giacomo stated that the SHA had no comment

Mr. Di Giacomo stated that Mr. Graham, Citizens Representative has no comment.

Mr. Di Giacomo spoke on behalf of Mr. Markwardt, CCB&E asking the following questions:
What size? Minimum is a 3500 square foot home, not including a driveway or basement
What is the price? The smallest lot would start at \$720,000 (in today's market) to 1.4 million on the 20 acre lot.
When is the start date? Doug Willard didn't comment on the start date.

Mr. Di Giacomo, CCP&Z read the comments for the department:
Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

A proposal for this property was previously reviewed under the name Quail's Crossing.

Zoning: SAR & RCA

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat proposes 7 lots on 56.03 (was 66.03) acres, for a proposed density of 1/8.00. Bonus density is not an issue.

The Critical Area RCA overlay zone permits a density of 1/20. Only proposed Lot 1 would be in the Critical Area. The proposed Lot 1 Critical Area density is 1/20.

An environmental assessment must be submitted in accordance with §200.1 of the Zoning Ordinance.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁴

Slopes greater than 25% must be shown on the Preliminary Plat. The steep slopes need to be differentiated between those greater than 25% and those between 15% and 25%.

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

⁴ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.⁵

The habitats of rare, threatened, and endangered species must be avoided. No common open space is required for fewer than 10 lots, though it is preferred for SWM facilities.

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

Bufferyard Standard C is not required along the Stoney Battery Road frontages.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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

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.

The FSD and conceptual environmental assessment were approved on 5/4/06.

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

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

A Landscape Agreement must be executed prior to recordation.

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

Proposed Lot 1 exceeds the 3:1 length to width ratio established in §7.4.2.

The proposed road name has been approved.

Minor Subdivision # 2355 must be cited 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

⁵ 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 or the large lot, a **JD** need not be done.

property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

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

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Cecilton	Bo Manor	Bo Manor
FTE	297	535	691
Capacity	325	540	689
% Utilization	88%	99%	100%

CONCEPT PLAT REQUIRED INFORMATION:

- (m) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (n) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (o) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (p) Title information:
 - 4. Proposed name
 - 5. Scale of Plat
 - 6. Date
- (q) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (r) North point.
- (s) Boundary of proposed subdivision. This can be a deed plot.
- (t) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (u) Location of existing utilities on or within 200 ft of the parcel.
- (v) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (w) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (x) Zoning classification of tract.
- (y) In the case of multi-family projects (apartments, townhouses, etc.) the following additional items shall be shown:
 - 1. Approximate location of buildings.
 - 2. Total number of units in each building.
 - 3. Total number of off-street parking spaces and the space to unit ratio.
- (z) General location and areal extent of the following when the subdivision is proposed in the Cecil County Critical Area:
 - 1. Tidal and non-tidal wetlands;
 - 2. Streams (perennial and intermittent);
 - 3. Areas of steep slopes, highly erodible and other soils with development constraints;
 - 4. Shore and stream Buffer (110-foot minimum);
 - 5. Natural resource protection areas, Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;
 - 6. The Critical Area Boundary and the applicable land management classification(s), i.e. Intensely Developed Area (IDA), Limited Developed Area (LDA), or Resource Conservation Area (RCA);
 - 7. Computation of the amount of acres in the Critical Area District; and
 - 8. The location and extent of existing an/or [sic] proposed shore erosion abatement approaches.

3) Orchard Hill, Lots 1-7, Concept Plat, Russell Road, P.E.L.S.A Company, Inc. Fourth Election District.

Mike Paraskwich with P.E.L.S.A. appeared and gave an overview of the project. Mike informed the board that the owner/developer of the land was currently out of the country. This is a proposed 7 lot subdivision on a mini road accessing Russell Road. He stated that the design team has studied the area and believes that the SWM can meet DPW regulation yet no design has been determined. Mike stated that the developers are aware that lot 1 does have an existing home on the property with some historic value. They plan to build around the home to preserve the home. There is an existing easement for Mr. Simperts that allows him to access this property. No boundary survey has been

completed on this property so it is unsure whether his driveway is on the stated property although it seems to be. That will be determined after the survey has been completed. Access will be given to him through the existing easement.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. How will SWM be addressed for these lots? Rooftop disconnects, etc.
3. What are the plans for lot 7? This is a newer home. Adjustments to the home may be made to conform to the homes being built. May be removed, may be modified.
4. Lots 1 & 7 will be denied access to Russell Rd. They will have to use Orchard Hill Lane.
5. Private mini road proposed must comply with Section 2.13 of the Road Code including the following note on the final plat:
 - a. "The proposed internal road will not be dedicated for public ownership or maintenance. The Mini Road Maintenance Association shall retain title to the road and all maintenance responsibilities."
6. Identify the 30' wide strip to be dedicated to the Board of County Commissioners of Cecil County along the Russell Road frontage of this site. As well as Brewster's Bridge Rd.
7. What is the proposed disposition of the existing 10' ingress / egress easement on Lot 7? Who enjoys the use of this easement? At this time, Mr. Simpser. Lot 7 will have to come out on Orchard Hill Lane. The mini roads will have to meet code 3.7.15 standards
8. What is the proposed disposition of the existing dwellings on site? As stated above, both will be looked at and its future will be later determined.
9. Lots 1 & 7 are denied direct access to Russell Road and Lots 3 & 4 are denied direct access to Brewster Bridge Road. This must be clearly identified on the final plat.
10. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 8.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 8.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 8.3 Requirements for Utility relocations.
 - 8.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 8.5 Requirements for Stopping Sight Distance
 - 8.6 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 8.7 Requirements for Public Works Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.

4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. Applicant must provide stopping sight distance measurements for the Russell Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
6. Section 3.07.15 of the Road Code requires that Russell Road be upgraded to a Minor Road or equivalent standard for 100' either side of the proposed intersection location. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary_ROW. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
7. A Public Works Agreement is required for the streets & storm drainage constructions.

Mr. Brown, SCS, provided soil maps and read the comments for the department:

3. Orchard Hill, Lots 1-7, Concept Plat

- "The proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided."

Mr. Kyte, FA, had the following comments:

This will have a gravel drive on the mini road, around the cul-de-sac with room to pull over on each side. There will be a grass shoulder and swales. There is no water source for a water suppression tank at this time. James will speak with Singerly's Fire Chief on whether he would like to speak with P.E.L.S.A on water suppression.

Ms. Latham, MDE stated that a water appropriation permit is not needed.

Mr. Moore, DEH read the comments of the department. See attached. In addition to the written comments, the existing 10,000 square foot is not shown accurately on the plat. It is defined in building permit (G3197). This area will have to be tested.

Mr. Di Giacomo stated that SHA has no comment.

Mr. Di Giacomo stated that Mr. Graham, Citizens Rep., had no comment.

Mr. Di Giacomo asked on behalf of Mr. Markwardt, CCBoE, what the size, price, and start date of this project. The size is around 3000-4000 square foot, the price is around \$500, 000, and the start date is within the next two years.

Mr. Di Giacomo, CCP&Z, read the comments for the department:

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat invokes the density provisions of §2.4.1 to propose 4 minor subdivision lots and 3 major subdivision lots on 17 acres, for a proposed density of 1/5.66. Thus, bonus density is not an issue.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁶

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.⁷

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

No common open space is required, though it is recommended for SWM facilities.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Brewster Bridge and Russell Roads.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Orchard Hill Lane. 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.

⁶ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

⁷ 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 or the large lot, a **JD** need not be done.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The proposed mini-road name has been approved.

Minor Subdivision # 172 must be cited on the plat.

The access to the lot created by Minor Subdivision # 172 is via the gravel road to the existing dwelling. All proposed lots must access Russell Road via the proposed mini-road, and the driveway access that that minor subdivision lot must be separate from the proposed mini-road access point by a distance that is acceptable to DPW.

Why is the mini-road proposed to access Russell Road rather than Brewster Bridge Road? Sight distance, speeding on Brewster Bridge Road, and there is only one logical place to put access on to BB road. Unfortunately, that is 100 ft. west from the most eastern property line. *DPW concurs with the decision*

The applicant is reminded that, per §7.2.12.E.5, the proposed entrance must be aligned with or offset at least 125' from the Bradley Run Road intersection on the opposite side of Russell Road. To ensure compliance, the Bradley Run Road intersection must be shown on the plat.

Access to any common open space between lots would need to be marked with concrete monuments.

A Mini-road Maintenance 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 is reminded of the Tuesday noon submission deadline for review by the Planning Commission this month.

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
FTE	Kenmore 312	Cherry Hill 559	Rising Sun 707

Capacity	285	700	785
% Utilization	109%	80%	89%

CONCEPT PLAT REQUIRED INFORMATION:

- (aa) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (bb) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (cc) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (dd) Title information:
 - 7. Proposed name
 - 8. Scale of Plat
 - 9. Date
- (ee) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (ff) North point.
- (gg) Boundary of proposed subdivision. This can be a deed plot.
- (hh) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (ii) Location of existing utilities on or within 200 ft of the parcel.
- (jj) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (kk) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (ll) Zoning classification of tract.

Mike asked Mr. Di Giacomo if it is necessary under the subdivision regulation that they go to the PC. Mr. Di Giacomo said if it is fewer than 10 lots and fewer than 25 acres it could be submitted as a Preliminary plat.

4) Providence Reserve, Lots 1-23, Concept Plat, Rising Sun Rd. (MD 273), P.E.L.S.A. Company, Inc., Sixth Election District.

Mike Paraskewich of P.E.L.S.A. and Terrill Stammmler, applicant, appeared and presented an overview of the project. The design team has studied the area and has determined that the SWM can be met with DPW regulations. No specific design has been determined as of yet. They have looked at the open space near MD273 next to lot 23 and the existing pond next to it. They have also looked at the intermittent stream, if they can prove safe conveyance; Mr. Stammmler said he will work with them to upgrade that pond. This is a joint project between Mr. Stammmler and M/M Eckroad. The Eckroads had parcel 256 put in their name. They live on parcel 255. The Eckroads and other relative that live in that area currently use Charles Johnson Lane. This is a gravel road that accesses Rising Sun Rd. They plan on gaining ownership of lots 9, 10 & 20 as shown on the plan. They are proposing to use the open space next to lot 8 as a forestation program. Under section 2.4.1 of the CC subdivision regulation they will be creating 5 lots under the minor subdivision allowance for this acreage and the remaining 18 lots are being created under the major subdivision allowance. The Eckroads and family would like to continue to use Charles Johnson Lane as their access to Rising Sun Rd. until the Charles Johnson Farm Road is built.

Clerical note- note 6 under density should say 4 of the 5 minor subdivision lots with remain for the Eckroad family*

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.

2. How will SWM be addressed for these lots? 4, 20, 21 drain towards MD 273, the pond on lot 8 could be used. Ponds will need to meet pond 378 requirements.
3. If the existing pond on Lot 8 is proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer's report addressing MD Pond 378 requirements must be submitted with the SWM plan.
4. The proposed road is in non-compliance with the Road Code. An intermediate turnaround is required due to the length of Charles Johnson Farm Road. Look into minimum radius of 200 ft. curve requirement in the area of lots 9&20 and 11&20.
5. How do you intend to address the issue of access to the Lands of Clamp? The Eckroads will be given access to MD 273 at all times before, during and after Charles Johnson Farm Lane.
6. What is the proposed disposition of Charles Johnson Farm Lane? A new easement would be created for the Eckroads. Once the county road is built this lane will be eliminated. *The location of the intermediate turnaround would be around 1100 to 1200ft mark, station 11 or station 12. Puts it close to 8, 9 & the Clamp easement. There are restrictions on access to intermediate turnarounds. Access points need to be away from the intermediate turnarounds. If the open spaces between lots 6, 7, 8 are used for SWM, this needs direct access easement off of Charles Johnson Farm Road. There will need to be direct access from the county road to the pond on lot 8 (if used for SWM). It also needs to be all weather access.*
7. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 7.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 7.3 Requirements for Utility relocations.
 - 7.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 7.5 Requirements for Public Works Agreements.
 - 7.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Woodhull also remarked on whether the developer /owner had considered getting connectivity back out to MD 273 and eliminating a long cul-de-sac (Charles Johnson Farm Road cul-de-sac). The developer and owners have not yet thought of that. They didn't plan on connecting the two developments at this time. Mr. Woodhull gave a strong recommendation that they consider connecting the two.

Mr. Brown, SCS, provided soil maps and read the comments of the department:

Providence Reserve, Lots 1-23, Concept Plat

- "The proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided."
- "All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District."

Mr. Kyte, FA, had the following comments:

A dry hydrant will be put on the MD 273 side and there will be a pull off there. Hydrant will be put in to DPW specifications. Mr. Kyte asked what the proposed blacktop width for the 50ft ROW will be. It will possibly be 24 ft. depending on a closed or open section. Mike said they are going with open section. It will be a minimum of 20 ft. with shoulders. Mr. Kyte stated that if the cul-de-sac would be the same with the gravel shoulders and 20 ft blacktop, the Fire Department would be okay with that.

Ms. Latham, MDE, commented that this would need a water appropriation permit.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Moore questioned whether the submittal was under the Stammler name. Terrill Stammler answered yes.

Additional perc tests will be required after preliminary plat review by the TAC.

Mr. Di Giacomo asked on behalf of Mr. Markwardt, CCBBoE, what the size, price and start date is for these homes.

Start date is going to be soon after final recordation, size is going to be 3000 +/- square foot, and price is round \$500,000 to \$600,000.

Mr. Di Giacomo than asked when the start date for dry hydrant is which in turn he was told that Mr. Stammler plans on the projects starting as soon as possible and simultaneously.

Mr. Di Giacomo read the comments of SHA. See attached.

Mr. Woodhull with CCDPW asked an additional question pertaining to the ROW line. They will need to see the ROW line cut across the end of Charles Johnson Farm Road due to the fact that from that ROW line on in would be a county road, out from that would be a state road.

Mr. Di Giacomo commented for Mr. Graham, Citizens Representative. Mr. Graham had received a phone call from Mr. Concord who had expressed concerns with environmental problems.

Mr. DiGiacomo, CCP&Z, read the comments for the department:

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat invokes the density provisions of §2.4.1 to propose 5 minor and 18 major subdivision lots on 91.8 acres, for a proposed major subdivision density of 1/5.1. Thus, bonus density is not an issue.

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

Since Terrill O. Stammler, Jr. is the applicant, and since Mr. Stammler has submitted another subdivision proposal on the adjacent property just last month, why hasn't a unified proposal been submitted that would allow for an improved, unified layout with more accessible common open space and a looped road? Timing, Mr. Stammler said that the lots are intended for Eckroad's grandchildren. The percable ground would be bisected by a connecting road. They would then absorb a lot of the percable ground. Also, a lot of the lots would be bisected therefore the lay out would not be good. Mike asked if DPW wanted to see a looped road or see the planned cul-de-sac taken out to MD273. Mr. Woodhull answered he wants a connecting through taking a cul-de-sac out and connecting it across. Mr. Moore than asked if the perc test were done. Mr. Stammler answered by referencing the map with the perced locations.

What is the purpose of calling proposed Lot 8 "remaining lands?" At one time lot 8 was going be remaining lands but for purposes of subdivision it will be called lot 8 and they will take off "remaining lands".

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁸

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

⁸ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.⁹

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

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

15% common open space is required; 15.1% is proposed. Much of the proposed common open space is virtually inaccessible to most of the proposed lots. Has any consideration been given to a layout that would include more accessible and centrally-located common open space? They provided access between lot 15 & 16 for people to walk from their house to the open space. It's going to be passive.

All proposed common open space must be consistently labeled and referenced as such.

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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.

General Note # 4 is incomplete, and the required 100' setback from MD Route 273 must be shown and cited.

§4.0.13 (j) requires the dimensions of proposed lots. That requirement must be satisfied on any Concept Plat submitted for review by the Planning Commission.

The Lands of Clamp are shown to access the proposed cul-de-sac. What will be the ultimate disposition of Charles Johnson Farm Lane?

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).

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

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), Cecil County Forest Conservation Regulations).

⁹ 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 or the large lot, a **JD** need not be done.

A Landscape Agreement must be executed prior to recordation.

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

Proposed Lot 22 appears to exceed the 3:1 length to width ratio established in §7.4.2.

4 panhandle lots are proposed.

The proposed road name has been disapproved. The internal road name(s) will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

Why hasn't a mid-block turnaround been proposed on the cul-de-sac? This was answered in previous comments.

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.

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

'05 School information:	Elementary	Middle	High School
	Rising Sun	Rising Sun	Rising Sun
FTE	793	702	1153
Capacity	671	785	1081
% Utilization	118%	89%	107%

CONCEPT PLAT REQUIRED INFORMATION:

- (mm) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (nn) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (oo) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (pp) Title information:
 - 10. Proposed name
 - 11. Scale of Plat
 - 12. Date
- (qq) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (rr) North point.
- (ss) Boundary of proposed subdivision. This can be a deed plot.
- (tt) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (uu) Location of existing utilities on or within 200 ft of the parcel.
- (vv) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (ww) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (xx) Zoning classification of tract.
- (yy) In the case of multi-family projects (apartments, townhouses, etc.) the following additional items shall be shown:

4. Approximate location of buildings.
5. Total number of units in each building.
6. Total number of off-street parking spaces and the space to unit ratio.

At this point, Mr. Di Giacomo called a 7 minute recess.

5) Lombard Farms, Lots 1-12, Concept Plat, Alexander and Lombard Roads, McCrone, Ninth Election District.

Don Sutton with McCrone and Janice Eggers Able, daughter of the owner appeared and gave an overview of the project. They are proposing 8 lots through the major subdivision and 4 lots through the minor subdivision through section 2.4.1. They asked for a waiver of the bufferyard C requirement along the road frontage of lot 12. The purpose for this is to use that area for equestrian. Also, they are 10 ft. short for the 30 ft. road widening conveyance along Lombard due to the proximity to the existing structures to the road. The sight distance has been shown on the concept and marked on the field for review. Lastly, Mr. Sutton asked for a waiver for the bufferyard A in the northwestern corner of the property. The requirement states that the area not be planted upon, they are asking to have that waived for lot 1.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. How will SWM be addressed for these lots? This is a flat area. This area of the county doesn't have the topography developed yet. They are using quad map topography. As they go, they will verify SMW.
3. What is the proposed disposition of the existing dwellings on Lot 12? They will remain.
4. Lots 1 & 11 are denied direct access to Alexander Road. This must be clearly identified on the final plat.
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 5.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 5.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 5.3 Requirements for Utility relocations.
 - 5.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 5.5 Requirements for Stopping Sight Distance
 - 5.6 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 5.7 Requirements for Public Works Agreements.
 - 5.8 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*

2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. Applicant must provide stopping sight distance measurements for the Alexander Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
6. Section 3.07.15 of the Road Code requires that Alexander Road be upgraded to a Minor Road or equivalent standard for 100' either side of the proposed intersection location. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
7. A Public Works Agreement is required for the streets & storm drainage constructions.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Brown, SCS, provided soil maps and read the comments of the department:

5. Lombard Farms, Lots 1-12, Concept Plat

"The proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided." –

- "All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District."

Mr. Kyte, FA, had the following comments:

Mr. Kyte asked what the purposed water suppression was. There was discussion about the SWM pond. If the pond can not be utilized, he would like to see a suppression tank at the entrance. He also asked if this was going to be an open shoulder road. Mr. Sutton said it would be a standard open road.

Ms. Latham, MDE stated that a water appropriation permit will be required.

Mr. Moore, DEH, read the comments for the department. See attached. In addition to the written comments, Mr. Moore stated that addition perc tests will be required after the preliminary plat is reviewed by TAC. Show surveyed location of the existing well and septic tank on lot 12 on Preliminary Plat. Mr. Moore asked what the other structures shown on lot 12 are. Mr. Sutton said they are sheds.

Mr. Di Giacomo stated that SHA had no comment.

Mr. Di Giacomo stated that Mr. Graham, Citizens Representative had no comment.

Mr. Di Giacomo asked on behalf of Mr. Markwardt, CCB&E, what is the size, price and start date of the homes.

Size is 3 to 4 bedroom start. Price is a min. of \$400,000 +. And the start date is within 2 years.

Mr. Di Giacomo, CCP&Z, read the comments for the department:

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat invokes the density provisions of §2.4.1 to propose 4 minor subdivision lots and 8 major subdivision lots on 41.5 acres, for a proposed density of 1/5.19.

As Alexander Road is functionally classified as a collector road, proposed Lots 1, 11 & 12 must show a 100' BRL along its frontage. Don mentioned that it was not shown that way on his map but he will check on it.

Proposed Lot 12's existing structures are mostly within the required BRL as well as the area that ordinarily would be dedicated to the Board of County Commissioners in fee simple for possible future road improvements. Therefore, it is incumbent upon the applicant to request a modification of those requirements from the Planning Commission.

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

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

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

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

wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.¹¹

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

15% common open space is required; 15.3% is proposed.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Alexander and Lombard Roads. Has any thought been given to alternatives that could better preserve the rural character of the area? McCrone will be discussing that with their client prior to the PC submittal.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Proposed Lot 12 exceeds the 3:1 length to width ratio established in §7.4.2.

The proposed internal road name has been approved.

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

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

¹¹ 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 or the large lot, a **JD** need not be done.

Documentation of all necessary easement agreements with Colonial Pipeline will be required prior to the Planning Commission’s review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of 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.

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

'05 School information:	Elementary	Middle	High School
	Calvert	Rising Sun	Rising Sun
FTE	366	702	1153
Capacity	283	785	1081
% Utilization	129%	89%	107%

CONCEPT PLAT REQUIRED INFORMATION:

- (zz) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (aaa) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (bbb) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (ccc) Title information:
 - 13. Proposed name
 - 14. Scale of Plat
 - 15. Date
- (ddd) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (eee) North point.
- (fff) Boundary of proposed subdivision. This can be a deed plot.
- (ggg) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (hhh) Location of existing utilities on or within 200 ft of the parcel.
- (iii) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (jjj) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (kkk) Zoning classification of tract.
- (lll) In the case of multi-family projects (apartments, townhouses, etc.) the following additional items shall be shown:
 - 7. Approximate location of buildings.
 - 8. Total number of units in each building.
 - 9. Total number of off-street parking spaces and the space to unit ratio.
- (mmm) General location and areal extent of the following when the subdivision is proposed in the Cecil County Critical Area:
 - 9. Tidal and non-tidal wetlands;
 - 10. Streams (perennial and intermittent);
 - 11. Areas of steep slopes, highly erodible and other soils with development constraints;
 - 12. Shore and stream Buffer (110-foot minimum);
 - 13. Natural resource protection areas, Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;
 - 14. The Critical Area Boundary and the applicable land management classification(s), i.e. Intensely Developed Area (IDA), Limited Developed Area (LDA), or Resource Conservation Area (RCA);
 - 15. Computation of the amount of acres in the Critical Area District; and
 - 16. The location and extent of existing an/or [sic] proposed shore erosion abatement approaches.

6) Louise, Section 1, Revised Lot 8 & 49, Section 2, Lots 12-26 & 41-48, Preliminary Plat, Dr. Jack and Waibel Roads, McCrone, Seventh Election District.

Tom Montgomery from Montgomery Brothers and Mike Burcham from McCrone appeared and presented an overview of the project. The purpose is to revise lot 8 to allow for two lots on Candice Drive and accommodate for the 49th lot per the concept plan. The 23 lots shown are accessing off of Waibel Rd. section 1 included part of the loop road know as Herbies Curve off of Waibel Rd. The preliminary plat shows the remainder of Herbies Curve coming back out on to Waibel Rd. They have discussed with DPW about the access point close to Dr. Jack Road. They are still working on that entrance to meet within the code of the road code. Mike stated that they need to continue with perc testing for this layout. They would like to proceed with the additional percs.

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

Mr. Woodhull stated that the DPW put a “stop work” sign on the property due to major clearing. He then submitted pictures (taken the week of 9/24-9/30) of the property to Tom Montgomery show the clearing.

The Department is aware that extensive clearing & grubbing has taken place on this site without the benefit of a permit. We will not recommend approval of this plat to the Planning Commission until such time as the disturbed area is stabilized to the satisfaction of the Department.

1. 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.
2. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
3. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Storm drainage easements must be separated from private stormwater management and access easements.
4. Identify the full extent of the existing gas transmission line on the final plats. ~~The southern Waibel Road entrance may require vertical profile improvements along Waibel Road for adequate stopping sight distance as part of the entrance improvements approval.~~ New entrance signage will be required and must be shown as to type and location on the internal street and subdivision access construction drawings.
5. Applicant must obtain the Susquehanna Transmission Company of Maryland's right-of-way and easement dedication conditions and approval for construction of the internal county road (Herbies Curve). The Susquehanna Transmission Company of Maryland must approve of the construction of a public road over the transmission company right-of-way before final plat submittal to the planning commission. It is recommended that the Applicant obtain this information prior to preliminary plat approval by the planning commission, so as to avoid any costly site re-design that might be necessitated by a refusal from the transmission company.
6. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 6.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 6.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 6.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 6.4 Requirements for Utility relocations.
 - 6.5 Requirements for Public Works Agreements.
 - 6.6 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 6.7 Requirements for County Roads.
 - 6.8 Requirements for Driveways.
 - 6.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. ~~*Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*~~
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Doctor Jack Road be upgraded to a Minor Collector Road standard and that Waibel Road be upgraded to a Minor Road standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary_ROW. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. ~~The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. This also applies to the intersection R.O.W. dedication at Doctor Jack and Waibel Roads. The internal street grade leaving Doctor Jack and Waibel Roads may not exceed 5% within the limits of the intersection right of way~~
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Doctor Jack and Waibel Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Tom Montgomery asked about bringing the entrance out on Dr. Jack Road. DPW would like the entrance to stay on Waibel Road. Mr. Woodhull explained that DPW feels they would rather limit the access on to the more active of the two roads.

Mr. Brown, SCS, provided soil maps and read the comments of the department:

6. Louise, Section 1, Revised Lot 8 & 49, Section 2, Lots 12-26 & 41-48, Preliminary Plat

"The proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided."

- "All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District."

Mr. Kyte had the following comments:

Mr. Kyte acknowledged the suppression tank that is in place. Are you going to have curbs in this development or open shoulder? An open section is purposed.

Ms. Latham, MDE, stated that a water appropriation permit was needed. There was some confusion on whether an application had already been submitted.

Mr. Moore, DEH, read the comments of the department. See attached.

Mr. Moore asked if the pond is going to be wet or dry. Mike stated that they do not know if it will be wet or dry. His preliminary assessment is that it will be a dry pond with water quality pool.

Mr. Di Giacomo stated that SHA had no comment.

Mr. Di Giacomo stated that Mr. Graham, Citizens Representative had no comment.

Mr. Di Giacomo asked on behalf of Mr. Markwardt, CCB&E, what the size, price and start date would be.

The size will be 2500 ft., the price is around \$375,000, and the start date is about 2 years, then 2 more years after that to complete it.

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

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

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

Zoning: NAR

Density: The Concept Plat, proposing 5 minor subdivision lots and 44 major subdivision lots on 134.5 acres, was approved at the bonus NAR density of 1/3.06¹² on 1/21/06, conditioned on:

The Section 1 Preliminary Plat was approved on 6/19/06, conditioned on:

The boundary line survey has been completed. This Preliminary Plat is generally consistent with the previously-approved Concept and Preliminary Plats, except that it proposes to reduce the size of proposed Lot 8 in Section 1, and then add proposed Lot 49 in the space gained by that lot size reduction.

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

¹² §2.4.1 was invoked.

activities.¹³ Slopes greater than 25% have been shown – as have stream and wetland buffers.

Permits are required from the Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Documentation of the JD was received on 6/12/06.

A letter was received from MDE stating that available information indicates that groundwater in the vicinity is not expected to be affected by the contamination associated with the Woodlawn federal superfund site.¹⁴ At the 6/19/06 Planning Commission review of the Section 1 Preliminary Plat, it was determined that all such questions must be fully resolved prior to any Final Plat review.

There are no habitats of rare, threatened, and endangered species.

15% common open space is required; 21.49% was proposed on the approved Concept Plat – with which this Section 2 Preliminary Plat is consistent.

The combined Preliminary Plat together propose 1/10 acre more open space/common open space than did the Concept Plat. Thus, bonus density eligibility has been maintained.

No landscaping or sidewalks are required. Bufferyards Standard C is required, outside the right-of-way, along the Doctor Jack & Waibel Road frontages.

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 1/13/06.

The PFCP was approved on 6/16/06 for proposed Lots 1-11 & 27-40 only. Because lot lines have changed, it must be revised. The PFCP for the balance of the project must be approved prior to the Planning Commission's review of this Preliminary Plat.

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The internal road names have been approved.

¹³ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹⁴ The letter also stated "... it would be prudent to consider the installation of sentry wells between the subdivision and the Woodlawn site to ensure that should any changes occur, they would be detected before potentially impacting the proposed subdivision."

The MDE letter did **not** provide any **guidance**, however, as to exactly where the sentry wells should be located or by whom they would be maintained or monitored.

Common open space access between and beside 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.

Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD will be required prior to the Planning Commission's review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

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

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

'05 School information:	Elementary	Middle	High School
	Bainbridge	Perryville	Perryville
FTE	279	705	1031
Capacity	465	753	1038
% Utilization	60%	94%	99%

Preliminary Plat Requirements:

- (a) The Preliminary Plat shall be submitted by the developer on paper and shall be clear and legible. The scale shall be no smaller than 1" = 100' (1" = 200' where the avg. lot size is > 5 acres as approved by OPZ). When more than 1 sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale. Each sheet must have the surveyor's seal. Incomplete Preliminary Plats will be returned to the subdivider within 15 days of submission for completion and resubmission as a new application.
- (b) Vicinity map indicating the location of property with respect to surrounding property and streets (scale to be no smaller than 1" = 2000'), and conforming to Section 2.4.4 on the designation of the remainder. Tax map, block, and parcel number shall also be shown.
- (c) The names, liber and folio of all adjoining property. In the event that a recorded subdivision adjoins the land to be developed, the subdivision name, recording reference and date of approval should be indicated.
- (d) Title information:
 1. Proposed name.
 2. Scale of Plat (feet and meters).
 3. Location by election district, County and State.
 4. Date.
- (e) Name and address of the owner and registered engineer or surveyor licensed in the State of Maryland responsible for the preparation of the plat, signature, and seal of the engineer, surveyor and corporation required.
- (f) Northpoint. Indicate if true north.
- (g) Boundary of proposed subdivision.
- (h) All existing pertinent features either natural or manmade that may influence the design of the subdivision, such as important trees or wooded areas, power transmission towers, existing buildings and structures and water courses.
- (i) Existing topography at 2- or 5-ft contour intervals. Contour lines shall be indicated 100 ft beyond the subdivision boundary. Contours shall be based on government bench marks when available within 2000 ft of property or by estimation from USGS quadrangle maps. Data shall be stated in all cases and a reference or bench mark described on the plat together with elevation. Source of contours shall be stated on plat, such as, field run topo, or aerial topo, etc. Interpolation of contours from USGS quadrangle maps will not be accepted unless previously approved by OPZ.
- (j) Location, width, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements (to be indicated with dashed lines).
- (k) Location of existing and proposed utilities on or within 200 ft of the tract with approximate pipe sizes and directions of slope indicated (should include electric and telephone poles or towers).
- (l) Soil types shall be shown.
- (m) Perimeter of the entire parcel as well as the section requiring approval.

A note was made by Tom Montgomery regarding the sentry well. Tom asked what Mr. Di Giacomo thought would resolve it. Tom mentioned that he talked to Mark Eisner with Advanced Land Water.

Mark Eisner stated that a sentry well is an unnecessary. Ms. Latham, MDE, remarked that it would be on the developers for the burden of proof.

7) Lands of John H. Curtis, et ux, Lots 2A-2C, Concept Plat, Bohemia Church Road, McCrone, First Election District.

Mike Burcham with McCrone appeared and presented an overview of the project. Total lot area is 36.2 acres. Of that, 10.05 acres in listed in the RCA district of the Chesapeake Bay Critical Area. John wants to reserve the right to create 2 lots for his family in the future. Lots 2A and 2B are for John's daughters, lot 2C is where John and his wife reside currently. There is an existing structure on 2C. A driveway is shown for lot 2C. A new driveway will be established between 2A and 2B for a joint access driveway for the 2 lots. The exact location will be determined at a later date.

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

1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Has any consideration been given to how SWM be addressed for these lots? yes
3. The Department strongly recommends that a common access be provided for the two proposed lots.
4. All driveways must be identified on the preliminary plat.
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 5.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 5.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 5.3 Requirements for Utility relocations.
 - 5.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 5.5 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. Applicant must provide stopping sight distance measurements for the Bohemia Church Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Brown, SCS, provided soil maps and read the comments of the department:

7. Lands of John C. Curtis, et ux, Lots 2A – 2C, Concept Plat

- “The proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided.”
- The parcel # shown on the plat conflicts with the parcel # shown on the tax map.
- Shift the soils on the plat to more closely represent the soils provided.

Mr. Kyte had no comment

Ms. Latham, MDE, stated that no water appropriation permit is needed.

Mr. Moore, DEH, read the comments of the department. See attached.
In addition to his written comments, he would like the approve sewage area shown.

Mr. Di Giacomo stated that SHA had no comments

Mr. Di Giacomo stated that Mr. Graham, Citizens Representative, was contacted by the Eates who objected to the lots being placed adjacent to their horse pasture.

Mr. Di Giacomo, CCP&Z, read the comments of the department:
Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat has been submitted as a major subdivision because the minor subdivision potential of the parcel of record from which lot 2 was created has been exhausted. It proposes 3 lots on 36.2 acres, for a proposed density of 1/12.07. Thus, bonus density is not an issue.

The Critical Area RCA overlay zone permits a density of 1/20. Only proposed Lot 2C is partially within the Critical Area; proposed Lots 2A and 2B are located entirely outside the Critical Area. The proposed Lot 2C Critical Area density is 1/29.8.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good

engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁵

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.¹⁶

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

No common open space is required.

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

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

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

Ordinarily, an environmental assessment would need to be submitted in accordance with §200.1 of the Zoning Ordinance. However, as noted on the plat, there shall be no new development on Lot 2C, and proposed Lots 2A and 2B are located entirely outside the Critical Area.

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

¹⁶ 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 or the large lot, a **JD** need not be done.

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

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 is reminded of the Tuesday noon submission deadline for review by the Planning Commission this month.

'05 School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	287	535	691
Capacity	325	540	689
% Utilization	88%	99%	100%

CONCEPT PLAT REQUIRED INFORMATION:

- (nnn) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (ooo) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (ppp) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (qqq) Title information:
 - 16. Proposed name
 - 17. Scale of Plat
 - 18. Date
- (rrr) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (sss) North point.
- (ttt) Boundary of proposed subdivision. This can be a deed plot.
- (uuu) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (vvv) Location of existing utilities on or within 200 ft of the parcel.
- (www) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (xxx) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (yyy) Zoning classification of tract.
- (zzz) In the case of multi-family projects (apartments, townhouses, etc.) the following additional items shall be shown:
 - 10. Approximate location of buildings.
 - 11. Total number of units in each building.
 - 12. Total number of off-street parking spaces and the space to unit ratio.
- (aaaa) General location and areal extent of the following when the subdivision is proposed in the Cecil County Critical Area:
 - 17. Tidal and non-tidal wetlands;
 - 18. Streams (perennial and intermittent);
 - 19. Areas of steep slopes, highly erodible and other soils with development constraints;
 - 20. Shore and stream Buffer (110-foot minimum);
 - 21. Natural resource protection areas, Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;
 - 22. The Critical Area Boundary and the applicable land management classification(s), i.e. Intensely Developed Area (IDA), Limited Developed Area (LDA), or Resource Conservation Area (RCA);
 - 23. Computation of the amount of acres in the Critical Area District; and
 - 24. The location and extent of existing an/or [sic] proposed shore erosion abatement approaches.

8) Success Farm Estates, Lots 1-54, Concept Plat, US Route 222, McCrone, Eighth Election District.

Mike Burcham with McCrone and William Webb appeared and presented an overview of the project. The proposal is for 54 lots. The naming of the property is from the history of the property. It is on 151 acres. They are purposing bonus density and including 4 minor subdivisions lots per section

2.4.1 of the subdivision regulations. Cromwell Court will be accessing US Rt.222 and extending into the property as a 60 ft. wide ROW. That will come to an intersection roughly where the existing farmhouse is located today and it's going to extend in two directions. Cromwell Court will extend to the SW with an intermediate turnaround and a cul-de-sac. To the north, Betsy Ross Way will connect with the development of Old Fort Farm Estates. Cinnamon Woods is to the northwest of this property. The entire parcel will be included as open space. Mr. Webb gave a brief history of the land in terms of his family history.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. A Traffic Impact Study is required. Mike asked when this needs to be completed. Mr. Di Giacomo answered the TIS will need to be completed prior to the tax review of the Preliminary Plat.
3. Are you proposing to use open section road? Yes
4. What is the proposed disposition of the existing dwellings on site? The dwelling will be removed. The dwelling is located in the intersection of Cromwell Ct. and Betsy Ross Way. There is also an existing barn on the front side of lot 26. The dwelling was not shown on the TAC prints.
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 5.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 5.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 5.3 Requirements for Utility relocations.
 - 5.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 5.5 Requirements for Public Works Agreements.
 - 5.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Brown, SCS, provided soil maps and read the comments of the department:

Success Farm Estates, Lots 1-54, Concept Plat

- "The proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided."
- "All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District."

Mr. Kyte had the following comments:

Mr. Kyte asked for a fire suppression tank. He would like it to be located across from lot 48 on Betsy Ross Way in the common open space. He would also like to have a 30,000 gallon tank. This is a central location. Open shoulders are okay.

Ms. Latham, MDE stated that a water appropriation permit will be needed. It will also require public notice.

Mr. Moore, DEH, read the comments of the department. See attached.

They need to show the existing well location on preliminary plat. The well may have to be abandon and sealed. Septic tank may have to be abandoned.

Ms. Latham suggested that the well from the existing farm house may be able to be used for an observation well. Mr. Moore said that would be fine as long as proper procedures are followed.

Mr. Di Giacomo stated that Mr. Graham, Citizens Representative, has no comment.

Mr. Di Giacomo read the comments for SHA. See attached.

Mr. Di Giacomo asked on behalf of Mr. Markwardt, CCB&E, what the size, price, and start date would be for this project. The size will be 2400-4000 square feet; the price will range from \$350,000 to \$500,000; and the start date is within a year of receiving final plat approval.

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

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

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

Zoning: NAR One adjacent property, zoned BG, has been so labeled. Why haven't others, zoned BG, MH, and RR, also been so labeled? Mike explained that the others are

required to be labeled on the Forest standard lineation plan. Mr. Di Giacomo stated that they should also be labeled on the plat. Mike said that he does have a plan now with all of them on it. When he submits it to the PC, they will all be included on the joiners.

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes to invoke the density provisions of §2.4.1 to include 4 minor subdivision in addition to the 50 proposed major subdivision lots on 151.77 acres, for a proposed bonus density of 1/3.04.

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

Minor Subdivision # 659, which corresponds to proposed Lot 1, created Parcel 592 and cited on the plat. The acreage of Parcel 592 was 2.383 acres, but proposed Lot 1 is shown to be 3.36 acres. What accounts for that discrepancy? They are proposing with the layout of Cromwell Ct. to keep it in the centerline of the road frontage on MD 222. That additional land will be added to the previously approved minor subdivision to create Lot 1 that is shown on the plan.

The tax maps show that this property extends to the Lands of Cunningham (shown on the plat) to the south of the Lands of Wallace. What accounts for that discrepancy? The Lands of Wallace is incorrectly shown on the tax map.

The median lot size is not the cited 0.95 acres (.88 or .81).

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁷

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'. The stream buffer on proposed Lot 36 has not been 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.¹⁸

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

A minimum of 15% common open space is required; 19.73% is proposed.

¹⁷ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹⁸ 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 or the large lot, a **JD** need not be done.

The proposed large lot, Lot 36, consists of 41.96 % of the total area, and combined with the common open space, 61.69% open space is proposed. Thus, this proposal is eligible to be considered for bonus density.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of US Route 222.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. That is why the earlier-mentioned issue of adjacent zoning districts is important.

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.

Staff will recommend the retention of the existing vegetative buffer from Old Fort Farm Estates.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Proposed Lot 51 exceeds the 3:1 length to width ratio established in §7.4.2.

This design includes 3 proposed panhandle lots. Proposed Lots 1 and 54 must access the proposed Cromwell Court, rather than US Route 222.

A stub road is shown connecting to Bill Leight Road. Has any consideration been given to designing a looped road that would connect Betsy Ross Way with Cromwell Court? Yes, initially. They are trying to limit environmental impact in the steep slopes. Cutting across

from 1 cul-de-sac to another would cross slopes that are approaching 10% in grade. It would also cause them to go through the expanded perennial stream buffer at the perennial stream crossing with the loop road.

Both proposed internal road names have been approved.

A Traffic Impact Study (TIS) will be required to be completed prior to the TAC's review of any Preliminary Plat.

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

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 is reminded of the Tuesday noon submission deadline for review by the Planning Commission this month.

Tony asked how the road names were selected. William Webb stated that Cromwell was the original owner of the property and they were relatives of Betsy Ross. Supposedly, Betsy Ross came to this farm (which is in the CC history book).

'05 School information:	Elementary	Middle	High School
	Conowingo	Rising Sun	Rising Sun
FTE	483	702	1153
Capacity	475	785	1081
% Utilization	102%	89%	107%

CONCEPT PLAT REQUIRED INFORMATION:

- (bbbb) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (cccc) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (dddd) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (eeee) Title information:
 - 19. Proposed name
 - 20. Scale of Plat
 - 21. Date
- (ffff) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (gggg) North point.
- (hhhh) Boundary of proposed subdivision. This can be a deed plot.
- (iiii) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (jjjj) Location of existing utilities on or within 200 ft of the parcel.
- (kkkk) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (llll) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (mmmm) Zoning classification of tract.

9) Lands of Joseph P. Martinuk, Lots 1-18, Concept Plat, Old Elk Neck Road, Northern Bay, Third Election District.

Farron Piles with Northern Bay appeared and presented an overview of the project. They are proposing a density of 1 unit per 5.26 acres plus the minor subdivisions. This will be on 68.44 acres, which was based on survey that was recorded in plat book WS455 in 1975.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. Has any consideration been given as to how SWM will be addressed for this site? Yes, SWM will be in the open space areas, structurally. Water quality incorporating into the grating, and modification of open space with lot 3 or 4.
3. Has any consideration been given to looping the internal roads? Yes, but they do not want to do that. They didn't want to get into a situation with double frontage lots along Old Elk Neck Rd. They were trying not to have lots parallel to Old Elk Neck Rd. They tried to incorporate a couple of cul-de-sacs. They felt emergency access would not be an issue. If the perc testing doesn't go well, it will give them an option if some lots are eliminated, to look at a mini road instead of a county road. They are not into bonus density scenarios.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 4.3 Requirements for Utility relocations.
 - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 4.5 Requirements for Stopping Sight Distance
 - 4.6 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 4.7 Requirements for Public Works Agreements.
 - 4.8 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. Applicant must provide stopping sight distance measurements for the Old Elk Neck Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
6. Section 3.07.15 of the Road Code requires that Old Elk Neck Road be upgraded to a Major Collector Road or equivalent standard for 100' either side of the proposed intersection location. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary_ROW. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
7. A Public Works Agreement is required for the streets & storm drainage constructions.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

In addition, Mr. Woodhull stated that the DPW is going to require a Protocol 3 (visual survey) road condition survey along the road frontage of this property. This is to get an idea of the condition of Old Elk Neck Rd. From there they will be able to see what improvement will or will not be necessary in addition to the 100 ft. either side of the two entrances. This will be needed at Preliminary Plat stage.

Also, Mr. Woodhull asked, for general discussion, about the distance from the end of the Raintree Airports runway to the stated lots, are there any restrictions. Mr. Di Giacomo stated that it is not address in the Zoning ordinance but it is addressed in the FAA and MAA regulations. There is a trapezoid area at the end of the runway. This would be located on the other side of Old Elk Neck Rd. There may be a high restriction but that will not be an issue with this project.

Mr. Brown, SCS, provided soil maps and read the comments of the department:

Lands of Joseph P. Martinuk, Lots 1-18, Concept Plat

- "The proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided."

Mr. Kyte, FA had the following comments:

Mr. Kyte asked for a fire suppression tank. Farron has already discussed that with the owner and they will keep that in consideration. Mr. Kyte suggested a pull off in the common open space on Old Elk Neck Rd. Mr. Kyte asked if this would be an open section road. Farron answered yes.

Ms.Latham, MDE, stated that they will need a water appropriation permit.

Mr. Moore, DEH, read the comments of the department. See attached.

Mr. suggested that they get a diagram to know where the water is located. Farron noted (referencing DEH's comments) the 45 test pits were dug for purposes of establishing water table for cemetery

plots. Mr. Moore stated that that was not correct; the reason was for a purposed subdivision in 1974. It was recorded as Elk Neck Memorial Gardens. There are no grave sites on the property.

Mr. Di Giacomo stated that SHA had no comment.

Mr. Di Giacomo stated that Mr. Graham, Citizens Representative, had no comment.

Mr. Di Giacomo asked on behalf of Mr. Markwardt, CCBoE, what the size, price and start date is for this project. The size is 2000 square foot, the price is around \$350,000 +, and the date will be a couple of years until final plat.

Mr. Di Giacomo, CCP&Z, read the comments of the department:
Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat invokes the density provisions of §2.4.1 to propose 5 minor subdivision lots and 13 major subdivision lots on 68.44 acres, for a proposed density of 1/5.25. Thus, the bonus density issue is moot.

The title block must be modified to reflect the fact that the proposal site lies within both the 3rd and 5th Election Districts.

Note # 2 indicates that a boundary line survey has already been completed. A copy must be submitted prior to the TAC's review of any 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 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁹

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

¹⁹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.²⁰

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

A minimum of 15% common open space is required; 15.68% is proposed.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Elk Neck Road. Has any thought been given to alternatives that could better preserve the rural character of the area? Yes, they plan to leave a 700 to 800 ft area undeveloped.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

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.

This design includes 3 panhandle lots. Has any consideration been given to an alternative layout that could utilize a looped road? They didn't want to get into a situation with double frontage lots along Old Elk Neck Rd. They were trying not to have lots parallel to Old Elk Neck Rd. They tried to incorporate a couple of cul-de-sacs. They felt emergency access would not be an issue. If the perc testing doesn't go well, it will give them an option if some

²⁰ 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 or the large lot, a **JD** need not be done.

lots are eliminated, to look at a mini road instead of a county road. They are not into bonus density scenarios.

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.

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

'05 School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	460	851	1151
Capacity	514	721	1104
% Utilization	89%	118%	104%

CONCEPT PLAT REQUIRED INFORMATION:

- (nnnn) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (oooo) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (pppp) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (qqqq) Title information:
 - 22. Proposed name
 - 23. Scale of Plat
 - 24. Date
- (rrrr) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (ssss) North point.
- (tttt) Boundary of proposed subdivision. This can be a deed plot.
- (uuuu) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (vvvv) Location of existing utilities on or within 200 ft of the parcel.
- (wwww) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (xxxx) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (yyyy) Zoning classification of tract.

Recorder tape ended before Mr. Di Giacomo's comments were read.

Meeting was adjourned at 12:45 p.m.

Respectfully submitted,
Jennifer Bakeoven

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, November 1, 2006, 9:00 a.m.
County Administration Building
107 North Street, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Moore, Joe (DEH), Latham, Cynthia (MDE), Kyte, James (FA), Graham, Daniel (CR), Bakeoven, Jennifer (CCP&Z)

Absent: Cwiek, Philip (USACoE), Reynolds (Delmarva Power), Markwardt, Bob (CCBoE), King, Butch (SHA)

Mr. Di Giacomo called the meeting to order at 9:04 a.m.

Mr. Di Giacomo announced that item #16 (The Estates at Slicer's Mill) and #18 (Woodlawn Farms) had been withdrawn.

1) Bainbridge, Business-Employment Center, Office/Laboratory Lot 1 Site Plan, Town of Port Deposit Courtesy Review, Fiske Drive and Bainbridge Boulevard, Martin & Philips Design Associates, Inc., Seventh Election District.

David Martin, Martin & Philips Design Assoc., Tim Bishop with the development team, and Brian Bolender, representative from the town of Port Deposit appeared to present an overview of the project. Mr. Martin stated that this was part of the Bainbridge site which is approximately 1200 acres. The site was zone with the BX overlay by the town about one year ago. This is part of a "corporate campus to come" and the plans are being submitted shortly for the larger track of this. This is an economic development initiative by Cecil County, the town of Port Deposit and the State of Maryland. This has been through Concept in Port Deposit and has received its approval. After this meeting they will be submitting a Preliminary plan for this site. This site is a corner lot on four acres and about 40,000 square feet. This is a proposed laboratory/office complex. This project is for a company called AccelaPure. Mr. Bolender added that Port Deposit has already seen the Concept plan for this project and they have already reviewed the final construction plan once and sent comments back. They are definitely moving this through and the concept plan for the overall campus is 120 acres has been submitted and reviewed and it is also up for review this month in Port Deposit.

At this point, Mr. Di Giacomo stated to the crowd that the TAC was missing some of its members which include Chris Brown, SCS, Bob Markwardt, CCBoE, and Butch King, SHA. Some had sent their comments ahead of time. Mr. Di Giacomo will read them at the appropriate times.

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

1. A Stormwater Management plan must be approved by the CCDPW prior to submittal for Site Plan Approval. The fees for design review of this project must be provided at the time of first design submittals. Mr. Woodhull asked if the info structure will be done under the other project for the housing and will the SWM be part of that also. Mr. Martin stated that it would be a part of a different portion. This is in a different drainage divide
2. The Department understands that the Town of Port Deposit will own the internal streets, water distribution, and sanitary sewer systems in this development. The CCDPW recommends that the all plans, 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.

Mr. Graham, Citizens Rep. had no comments.

Mr. Kyte, FA, recommend fire hydrants on the internal parking lot area. Somewhere around the bump outs, away from parking spaces so they would be accessible and visible to the Fire Department.

Ms. Latham, MDE, stated that a water appropriation permit is not required for final plat.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Di Giacomo stated that the CCBoE had no comment for this project.

Mr. Di Giacomo read the comments on behalf of the SHA. See attached.

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

This development is proposed in the Town of Port Deposit. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans proposed within the towns' corporate limits.

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

- Town Zoning: BX (Planned Business)
- 40,000 ft² of offices and laboratories are proposed on Lot 1's 3.9 acres. It should be confirmed that the proposed floor area ratio is consistent with that permitted by the underlying zoning.
- It is recommended that the plat depict street and driveway names. All such names must be approved by the 911 Emergency Center, which informs us that the name Bainbridge Boulevard has been DISAPPROVED.
- Ordinarily, a Traffic Impact Study (TIS) would be recommended to be completed prior to Site Plan approval. Because this proposal is but a piece of a much larger project, and that larger project requires a TIS, therefore, it is recommended that the Town verify that this component's proposed use is consistent with the aggregate trip generation coefficients used in the "master" TIS.
- Sidewalks are recommended on both sides of all internal streets and roads. Striped bike lanes should at least be considered. Both would give the proposed boulevards less of an Interstate highway character, and more of a neo-traditional feel.
- It is recommended that bike/ped access to adjacent or nearby residential or retail components be seriously considered in order to minimize vehicle miles of travel (VMT) and enhance overall mobility.

- Striped crosswalks should be considered anywhere that pedestrian traffic is possible.
- The vicinity map has incorrectly labeled Rock Run Road as Rock Road.
- The Town of Port Deposit and the County have signed an “*Assigning obligations under the Forest Conservation Act*” agreement. An FSD and an FCP must be approved.
- It should be confirmed that the setbacks and building dimensions, including height, are consistent with the Town’s Zoning Ordinance for the BX zone.
- It is recommended that the plat be checked to ensure that all requirements for Site Plans, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations, have been satisfied.
- A 25’ buffer is recommended around any non-tidal wetlands as may present, Note # 11 notwithstanding. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts or stream crossings prior to recordation.
- The habitats of any rare, threatened, and endangered species should be avoided, although Note # 14 indicates that there are none.
- Why are 2 loading spaces proposed for the laboratory and none are proposed for the offices? Mr. Martin stated that there will be no need for loading or unloading for the offices, only the laboratory.
- It should be confirmed that the landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.
- It is recommended that 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 Site Plan approval.
- It is recommended that a Landscape Agreement be executed prior to recordation.
- 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 the number of handicapped parking spaces falls with the minimum established by the Town’s Zoning Ordinance and Subdivision Regulations.
- Consideration should be given to soliciting review and comment on the subdivision layout by the Port Deposit volunteer Fire Company.
- Fire hydrant/standpipe locations should be shown and should consistent with the Town’s Zoning Ordinance and Subdivision Regulations. Unless the present design is deemed

acceptable by the Port Deposit volunteer Fire Company, hydrants closer to the buildings should be considered on the easily accessible landscaped bump-outs in the parking lot, closest to the water lines.

- Water allocation should be confirmed by the Town of Port Deposit prior to final Site Plan approval.
- Sewer allocation should be confirmed prior to final Site Plan approval.
- It is recommended that the site design be consistent with the Town's policies regarding possible bus stops/shelters and/or bicycle racks. Have bike racks been considered? Not at this time.
- It is recommended that a lighting plan that emphasizes pedestrian safety and security be submitted and approved prior to final Site Plan approval.
- It is recommended that any Special Exception or Variance numbers that may yet be needed be shown on future plats, Note # 16 notwithstanding.
- It is recommended that the Record Plats 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.
- It is recommended that the Record Plats also contain a statement, signed by the owner, to the effect that such facilities will be available to buildings offered for sale or lease.

Mr. Moore asked if in the proposal (in writing), giving the DEH a projected sewage flow and what is the purpose of the holding tank on the site plan. Mr. Martin stated that is was for oxygen. Oxygen is used in the company's research.

2) Providence Reserve, Lots 1-23, Concept Plat, Rising Sun Road (MD 273), P.E.L.S.A. Company, Inc., Sixth Election District.

Mike Paraskevich with P.E.L.S.A, Company, Terrill Stammler, owner of adjoining property and Bob Eckroade, owner of parcel 255 & 256. Mr. Paraskevich presented an overview of the resubmittal of the project. The major revision as requested by the conceptual plan of Mr. Stammler's property was to try to interconnect Mr. Stammler's development to Mr. Eckroade's. This has been done by utilizing a mini road connection called Moyer Drive into Mr. Stammler's property. They believe this will benefit both parties concerned. At the previous Planning Commission meeting some adjoining property owners appeared stating their concern regarding possible problems with the road coming through on Mr. Stammler's property going through the properties and exiting out on Rising Sun Road. This would eliminate one entrance on MD273 and they can combine both properties with one entrance. It avoids going through the properties of two adjoining owners on Rising Sun Road. It also eliminates the intermittent stream crossing and keeps the area near the stream a more natural area. They have added the turn around circle according to the codes. They have not exceeded the looped road system condition where they would be considering a loop road if they have greater than 25 lots.

They are proposing 23 lots. They are requesting that they do not have to put a loop road in. Mr. Paraskevich wanted to reiterate that the Stammler and the Eckroade projects are two separate projects. The Stammlers are planning on making their development for strictly family. SWM issues have been looked at and they feel they have many options in regards to that.

Mr. Di Giacomo asked about the elimination of the one entrance. Mr. Paraskevich feels it will help with the adjoining neighbor's objections. Also by eliminating the road, which would ease any concerns that the adjoiners might have that the entrance would remain for Mr. Stammler's private use only. It would also eliminate stream crossing that they had proposed. Therefore the area would remain more natural without the stream crossing. Mr. Di Giacomo also questioned the number of lots. Earlier, Mr. Paraskevich stated that they were proposing 23 lots but Mr. Di Giacomo counted 28 lots that would be accessing MD 273 via the proposed Reserve Circle. Mr. Paraskevich said at that point there would be 28 lots accessing Reserve Circle. He also mentioned Moyer Dr. would remain a mini road.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. Is it your intent to extend Moyer Drive to MD 273 through the Stammler Property? No. *NOTE: Mr. Di Giacomo mentioned that when they present to the PC, they need to present a revised concept plat with all of the correct information and lines. Mr. Woodhull clarified the comments of the department from the last PC meeting. The department would like two accesses to MD 273. Beside the awkward geometry shown it is proposed as a private mini road and does not meet the intent of this Department's comment calling for interconnectivity between these two proposed subdivisions. The Department seeks to obtain a second entrance onto MD 273 for Providence Preserve, via an access meeting Minor Road classification, for safety as well as good sound planning issues.
3. The location proposed for the intermediate turnaround will preclude the access from Lot 8 as well as the Lands of Clamp to Reserve Circle. Road Code Standard Detail R-16 clearly identifies the no access areas for intermediate turnarounds.
4. The intermediate turnaround would no longer be required if Reserve Circle is looped to a second entrance on MD 273.
5. If the existing pond on Lot 8 is proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer's report addressing MD Pond 378 requirements must be submitted with the SWM plan.
6. The minimum horizontal curvature radius for a Minor Road is 200'.
7. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 7.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 7.3 Requirements for Utility relocations.
 - 7.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 7.5 Requirements for Public Works Agreements.
 - 7.6 Requirements for Driveways.
 - 7.7 requirements for Private Mini Roads.

Notes and requirements identified for record:

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

- a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
 4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 5. A Public Works Agreement is required for the streets & storm drainage constructions.
 6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
 7. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Biggs Highway (MD Rte 274) may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Graham, Citizens Representative read the comments he received. See file. Included in some of the comments were the worries of any blasting that may go on during construction. Mr. Paraskevich stated that there shouldn’t be any blasting that may disrupt anyone’s home’s foundation.

Mr. Kyte, FA, asked about the dry hydrant at the pond, if they were going on the highway side of it. He asked if they would be able to put a 10 ft pull off or a wide shoulder for Fire Department Equipment. Yes, the hydrant will definitely be accessible to the FD. The dry hydrant will be within 15 ft from the pull off. Yes. Mr. Kyte stated that it is extremely uphill into the development; he asked if they would consider putting in a line along side the pond up to the upper roadway. This would eliminate laying 2000 ft. of hose.

Ms. Latham, MDE, asked whether there would be individual wells on the sites. Yes. They will need a water appropriation permit.

Mr. Moore, DEH, read the comments of the department. See attached.

Mr. Di Giacomo stated on behalf of Mr. Markwardt of the CCBoE, that no interior bus service do to the short nature of the road, this is a problematic entrance for bus service do to the one way nature of the road and the inability of the bus in the afternoon that heads west on US 1 to turn back onto Rising Sun Road. The bus stop will be at the corner of Mountain Rd. and US 1 and students will need a walking pathway from Reserve Circle to Mountain Road.

Mr. Di Giacomo read the comments for Butch King with SHA. See attached.

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

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat invokes the density provisions of §2.4.1 to propose 5 minor and 18 major subdivision lots on 91.8 acres, for a proposed major subdivision density of 1/5.1. Thus, bonus density is not an issue.

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

The Lot Area Table does not account for the acreages of the proposed Moyer Drive and Reserve Circle, and it does not aggregate acreages.

This project was reviewed last month. At that time, it was pointed out that since Terrill O. Stammler, Jr. was the applicant, and since Mr. Stammler had submitted another subdivision proposal on the adjacent property just the previous month. It was questioned, why, under those circumstances, a unified proposal had not been submitted that would allow for an improved, unified layout with more accessible and centrally-located common open space and a looped road.

Subsequently, the adjacent Stammler Concept Plat was approved by the Planning Commission on 10/16/06, conditioned on:

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) All necessary Bufferyards A being shown on the Plat prior to the TAC's review of the Preliminary Plat;
- 4) A setback modification being granted for the existing dwelling on proposed Lot 1; and
- 5) Consideration being given to designing roadway connectivity to the adjacent proposal into the layout.

This submission includes a redesigned layout that proposes roadway connectivity to the lands of Stammler, but without a looped road or centrally-located common open space. Furthermore, it proposes to add 5 additional lots to the one entrance/exit rather than create a looped road. What is the rationale for this layout?

What is the purpose of calling proposed Lot 8 "remaining lands?" Is additional subdivision contemplated? No. Strike the "remaining lands".

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices

shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹

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.²

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

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

15% common open space is required; 15.3% is proposed. Much of the proposed common open space remains virtually inaccessible to most of the proposed lots. If the 2 adjacent projects are ultimately combined, then the new aggregate acreage will yield a new minimum common open space acreage requirement.

As previously commented, all proposed common open space must be consistently labeled and referenced as such.

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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 required 100' building setback from MD Route 273 has now been cited, but not cited shown.

As previously commented, §4.0.13 (j) requires the dimensions of proposed lots. That requirement must still be satisfied on any Concept Plat submitted for review by the Planning Commission.

The Lands of Clamp are shown to access the proposed cul-de-sac. What will be the ultimate disposition of Charles Johnson Farm Lane which now intersects with the proposed Moyer Drive? It

¹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

² 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 or the large lot, a **JD** need not be done.

will be eliminated. The Clamp property and lot 8 will access off of Reserve Circle. They would like to have a conditional use for the lots to continue to use Charles Johnson Lane until Reserve Circle is built.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Proposed Lot 2 appears to exceed the 3:1 length to width ratio established in §7.4.2.

4 panhandle lots are proposed, not counting the Clamp parcel.

The previously-proposed road name has been disapproved. The internal road name(s) will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

A mid-block turnaround has now been proposed on the Reserve Drive cul-de-sac.

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 Maintenance 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. Will proposed Lot 23 be accessed via Moyer Drive? Reserve Circle. If not, then what is the rationale of proposing access to an adjacent subdivision with road frontage through this subdivision?

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

	Rising Sun	Rising Sun	Rising Sun
FTE	793	702	1153
Capacity	671	785	1081
% Utilization	118%	89%	107%

CONCEPT PLAT REQUIRED INFORMATION:

- (a) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (b) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (c) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (d) Title information:
 - 1. Proposed name
 - 2. Scale of Plat
 - 3. Date
- (e) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (f) North point.
- (g) Boundary of proposed subdivision. This can be a deed plot.
- (h) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (i) Location of existing utilities on or within 200 ft of the parcel.
- (j) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (k) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (l) Zoning classification of tract.
- (m) In the case of multi-family projects (apartments, townhouses, etc.) the following additional items shall be shown:
 - 1. Approximate location of buildings.
 - 2. Total number of units in each building.
 - 3. Total number of off-street parking spaces and the space to unit ratio.

Mr. Woodhull asked about the plat. Referring to Moyer Drive, this should be shown in a different, less obvious way on this plat. It should be shown more obvious on the Stammler plat. Mr. Di Giacomo stated that the two properties should be on a combined submission. With the title block, state in addition to proposing this it also seeks to revise the Stammler concept plat.

Mr. Paraskevich asked about the open space. To his understanding, TAC is now considering this proposal as a 28 lot subdivision. Will that change the requirements for the open space? Mr. Di Giacomo said that it wouldn't affect it. The PC has approved the Stammler concept plat. This is a separate plat.

3) Lands of Rimmel, Lots 1-19, Concept Plat, Spears Hill Road, Century Engineering, Second Election District.

Troy Slevin with Century Engineering appeared to present an overview of the project. This is a 52 acre site that came from an original 186 acres and has had 3 minor subdivisions. Two of the minor subdivisions created build up of lots while the other subdivision added additional acreage to parcel 372 on the east side of Spears Hill Rd. There was also the creation of parcel 618, 619 & 620 by an order of the Circuit Court, none of which are buildable lots at this time. They are proposing 19 single family lots, well and septic. They would like to utilize the bonus density and utilizing the 2 remaining minor subdivisions. There is 61.2% of open space. There is one existing house with a shed that is on the parcel to the south, which is the creation of lot 1. The zoning is NAR. The parcel is currently being farmed.

Mr. Di Giacomo stated that in regards to parcels 618-620, they would need more detailed documentation on this.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. Are you proposing to have the Lands of Shonert access the proposed internal street? No, not at this time. Ms. Shonert spoke regarding this matter. Mr. Woodhull said it shows a panhandle that connects to Shears Hill. How do you intend to address the private ingress, egress easement? They will relocate. There are two lanes on the parcel. The location of the intermediate turnaround is not in the appropriate place. DPW recommends designing the road without the intermediate turnaround and bringing in the farmlane access onto the proposed interior road. You could shift the intermediate turnaround to be a bump out closer to lot 19. What is the developmental potential for this property?
3. The proposed entrance location may present a problem in obtaining adequate sight distance looking south due to the vertical alignment on Spears Hill Road. Has any consideration been given to locating the entrance north of the existing cross culvert under Spears Hill Road? They haven't look into this yet.
4. The applicant must provide a stopping sight distance measurement submittal identifying adequate distances are obtainable for the Spears Hill Road access location, to DPW prior to preliminary plat submittal. DPW will not grant any variance to SSD requirements.
5. Section 3.07.15 of the Road Code requires that Spears Hill Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance location. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
6. A protocol 3 road condition survey & road improvements plan for the entire length of Spears Hill Road must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements.
7. Identify the existing cross culvert under Spears Hill Road.
8. The road frontage dedication requirement is for a fee simple 30' wide strip measured from the roadway centerline on your side of Spears Hill Road. If some portion of this 30' is already in the ownership of the Board of County Commissioners than only the difference between it and the 30' total need be dedicated. The correct note must read "Strip of land to be dedicated in fee simple to the Board of County Commissioners of Cecil County".
9. The Department believes that the applicant needs to amend the TIS for Brickhouse Farm Estates to address the additional traffic loading generated by this development.
10. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 10.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 10.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 10.3 Requirements for Utility relocations.
 - 10.4 Requirements for Public Works Agreements.
 - 10.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 10.6 Requirements for County Roads.
 - 10.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The internal street grade leaving Spears Hill Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Graham, Citizens Representative, read his comments. See file.

Mr. Di Giacomo also had received some comments from citizens regarding this project.

Mr. Kyte, FA, said the fire department would like to see a fire suppression tank put in for fighting fires. Mr. Kyte presented the developer with information on getting a fire suppression tank and some stipulations that the Fire Company would like to see if sidewalks would be created.

Ms. Latham, MDE asked there would be individual domestic wells. Yes, there will be. She said they will need to get a water appropriation permit.

Mr. Moore, DEH, read the comments for the department. See attached. Also, percolation testing will be requires which includes seasonal testing on lot 1.

Mr. Di Giacomo stated that SHA had no comments.

Mr. Di Giacomo stated on behalf of Mr. Markwardt, CCBoE, the bus service would be provided at the intersection of the development road to be named and Spears Hill Road. The children may also have to cross the road either in the morning or afternoon depending on the direction that the bus travels.

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

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3.

Nowhere does this plat state that the density provision §2.4.1 are being invoked, but the statistics indicate that to be the intent. Proposed are 2 minor subdivision lots and 17 major subdivision lots on 51.7017 acres, for a proposed major subdivision bonus density of 1/3.042.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.³

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.⁴

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

15% common open space is required; 60.34% is proposed. The figure cited on the plat, 61.2%, is incorrect, based upon the figures provided by the applicant. That must be corrected prior to any submission to the Planning Commission.

There is also inconsistency with respect to the use of the labels "open space" and "common open space." Therefore, it is unclear if the "open space" is intended to be part of a large lot, pursuant to §22.2.b.

In addition, a roadway easement is depicted in the common open space. §176.2.a specifically prohibits this. Therefore, the roadway easement's acreage must be deducted from the common open space total acreage, possibly rendering this layout ineligible for bonus density consideration by the Planning Commission.

As to the ostensible invocation of the density provision of §2.4.1, it appears that proposed Lot 1, the acreage of which has not been provided, will directly access Spears Hill Road. Since the whole

³ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

⁴ 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 or the large lot, a JD need not be done.

purpose of §2.4.1 is prevent such direct access, why, then, should its favorable density provision be allowed in this case, rather than deducting the minor subdivision acreage and then calculating the major subdivision density on the net acreage?

What's more, tax map records indicate that Parcels 536, 618, 619, and 620 (created by court order) in Tax Map 38 and Parcel 426 in Tax Map 43 were all carved the record Parcel 29. If so, then there is, in fact, no minor subdivision potential left.

In that event, based upon the decision of the Court of Special Appeals in the matter of ARCA's opposition to the resubmission of the Aston Pointe Concept Plat, this concept proposal's revised, reduced number of lots would, therefore, then require another TAC review prior to its submittal for Planning Commission review and possible approval.

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

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations. 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.

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

What is the intended disposition of existing structures? They will remain. Those shown on proposed Lot 1 may require a setback modification, which must be requested of 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.

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

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Chesapeake City	Bohemia Manor	Bo Manor
FTE	283	535	691
Capacity	308	540	689
% Utilization	92%	99%	100%

CONCEPT PLAT REQUIRED INFORMATION:

- (n) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (o) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (p) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (q) Title information:
 - 4. Proposed name
 - 5. Scale of Plat
 - 6. Date
- (r) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (s) North point.
- (t) Boundary of proposed subdivision. This can be a deed plot.
- (u) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (v) Location of existing utilities on or within 200 ft of the parcel.
- (w) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (x) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (y) Zoning classification of tract.

4) Nieve's Property, Lots 1-41 and Remaining Lands, Concept Plat, Bohemia Church and Worsell Manor Roads, Century Engineering, First Election District.

Bob Banhurst with Century Engineering appeared and presented an overview of the project. This property consists of 3 parcels (25, 27 & 42 on tax map 58). The parcels are zones SAR. Parcel 42 is currently has a historic structure and most of the property is currently involved in an Agricultural Preservation District agreement. The owner is currently pursuing extinguishment of those agreements. This will be a clustard subdivision scenario. This will be a themed development that is

oriented to an Equestrian type frontage. There will be the creation of two public roads to which are cul-de-sac type roads. The common open space on the east side of Worsell Manor Road will include an amenity barn for horses that will have well and septic. The open space on the other side of the road will remain as private open space and nondensity.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. A Traffic Impact Study will be required for this development.
3. A protocol 3 road condition survey & road improvements plan for Worsell Manor Road, from Bohemia Church Road to MD 282, must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements. The Department suggests that the applicant discuss sharing in the cost of this requirement with the applicant presenting The Horse Trials at Worsell Manor (Lands of Merrill Lynch Trust Company).
4. Section 3.07.15 of the Road Code requires that Worsell Manor Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
5. The road frontage dedication requirement is for a fee simple 30' wide strip measured from the roadway centerline on either side of Worsell Manor Road. If some portion of this 60' total is already in the ownership of the Board of County Commissioners than only the difference between it and the 60' total need be dedicated. The correct note must read "Strip of land to be dedicated in fee simple to the Board of County Commissioners of Cecil County".
6. The applicant must provide stopping sight distance measurements for the Worsell Manor Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
7. Lots 1-3 & 40 are denied direct access to Worsell Manor Road and must be so indicated on the final plat and final lot grading plan.
8. The entrance islands proposed completely block normal driveway access to Lot 40 and severely limit it for Lot 1. The road plans must address this issue as well as entrance geometry issues to the satisfaction of the Department.
9. The minimum horizontal curvature radius for a Minor Road is 200'. The proposed road geometry adjacent to Lots 36-39 and Lots 2-20 must comply.
10. Have you given any consideration as to how you will address SWM for this site? Yes.
11. If any of the existing ponds are proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer's report addressing MD Pond 378 requirements must be submitted with the SWM plan. Consideration would be given.
12. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 12.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 12.3 Requirements for Utility relocations.
 - 12.4 Requirements for Public Works Agreements.
 - 12.5 Requirements for Stormwater Inspection and Maintenance Agreements.

- 12.6 Requirements for County Roads.
12.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Liberty Grove Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Graham, Citizens Representative, read his comments. See file.
Mr. Di Giacomo also received comments from citizens. See file.

Mr. Kyte, FA, asked what the closes source of water as far as fire protections. Mr. Banhurst said all lots will have wells but they are expecting to have a water suppression tank. Mr. Kyte asked if sidewalks were going to be included. Mr. Banhurst said no. As far as instillation of the fire suppression tank, the local fire company can help with the best placement for it.

Ms. Latham, MDE, stated that they will need a water appropriation and use permit for the residential lots. Ms. Latham asked if there would be additional wells for the stables, etc. It is expected to have septic. They have not looked too far into this but they would like to reserve the right to do so at a later time. Ms. Latham also asked where they plan to store the horse manure and mentioned that they will have to keep it away from any water source. Mr. Banhurst made a note of it.

Mr. Moore, DEH, read the comments for the department. See attached.
Mr. Moore mentioned in regards to the community barn, the department would need in writing the use, employees, etc. Ms. Latham asked Mr. Moore if the storage of manure would have a separation requirement. He said any source of pollution would have to be kept 50 ft away from the wells.
Mr. Moore asked how the developer proposed to insure the on-going maintenance and future repair of the on-site well and sewage disposal system. Mr. Banhurst said that it would be part of the HOA responsibilities. Mr. Moore stated that HOA doesn't assure the maintenance and future repair so they will need a document that states that money is put in for that. The Worsell Manor house is used in

open space. All the common open space is on the east side of Worsell Manor. There will need to be a 10,000 square foot sewage area defined on that.

Mr. Di Giacomo stated that SHA had no comments.

Mr. Di Giacomo stated on behalf of Mr. Markwardt, CCB&E, the bus service would be provided at the intersection of the development road to be named and Worsell Manor Road. Students may be required to cross the road in the morning or the afternoon depending on the direction that the bus travels.

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

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

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

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat proposes 41 lots plus remaining lands on 332.578 acres, for a proposed bonus density of 1/7.92.

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

The title block must include the Election District number and County name, as did the previous plat, Rimmel.

Tax records indicate that NDS 274/513 is actually Parcel 25, not part of Parcel 27.

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

Slopes greater than 25% 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

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

impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.⁶

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

A minimum of 15% common open space is required; 16.36% is proposed. The plat erroneously represents that 54% common open space is proposed; that error must be corrected prior to any submission to the Planning Commission. All common open space must be clearly labeled and referenced as such.

The details the proposed barn, paddocks, and arenas, as required in Appendix A of the Zoning Ordinance, must be submitted with the Preliminary Plat. Would these facilities be open to the public?
No

It is not clear, but it appears that the remaining lands, which must be so labeled, are intended to serve as the large lot. However, since the acreage has not been provided, it cannot be determined if this proposal satisfies bonus density eligibility.

In addition, §22.2.b clearly stipulates that the large lot be a “buildable lot,” not remaining lands. Therefore, the currently unlabeled remaining lands ought to be designated as proposed Lot 42 if bonus density is pursued.

If bonus density is not pursued, then at least one lot must be removed from the proposal to achieve a base density of 1/8. In that case, based upon the decision of the Court of Special Appeals in the matter of ARCA’s opposition to the resubmission of the Aston Pointe Concept Plat, this concept proposal’s revised, lowered density would, therefore, then require another TAC review prior to its submittal for Planning Commission review and approval.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Bohemia Church and Worsell Manor Roads.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring. Its 100’ BRL would affect the layout of proposed Lots 10-12.

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.

Parcel 42 and part of 27 are currently in MALPF districts. MALPF termination documentation must be recorded prior to the Planning Commission’s review of the Final Plat.

⁶ 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 or the large lot, a **JD** need not be done.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Some proposed lots appear to exceed the 3:1 length to width ratio established in §7.4.2. The lot dimensions, as required by §4.0.13 (j), have not been provided, so the length to width ratio for those lots is impossible to determine. For the same reason, we cannot tell if all lots meet or exceed the minimum area requirement.

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

Has any consideration been given to roadway connectivity to the Merrill Lynch property to the south?
No

Given the 27-lot subdivision proposed on the adjacent Merrill Lynch property, a Traffic Impact Study (TIS) may be required to be completed prior to the TAC's review of any Preliminary Plat.

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.

It is unclear if the 2 proposed cul-de-sacs are intended as private mini-roads. If so, then Mini-road Maintenance Associations for maintenance of the mini roads must be established prior to recordation, with the owners of all lots accessing the mini-roads 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 is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

'05 School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	287	535	691
Capacity	325	540	689
% Utilization	92%	99%	100%

CONCEPT PLAT REQUIRED INFORMATION:

- (z) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (aa) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (bb) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (cc) Title information:
 - 7. Proposed name
 - 8. Scale of Plat
 - 9. Date
- (dd) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (ee) North point.
- (ff) Boundary of proposed subdivision. This can be a deed plot.
- (gg) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (hh) Location of existing utilities on or within 200 ft of the parcel.
- (ii) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (jj) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (kk) Zoning classification of tract.

Mr. Woodhull asked if the two cul-de-sacs were proposed at mini roads. No.

Mr. Banhurst noted that they are not pursuing bonus density. Present the non density parcels as “Remaining Lands”.

If they were to extinguish the lot lines on the western parcel, they wouldn’t have remaining lands.

Mr. Di Giacomo said it would be one large lot but they would have to give it a lot number.

5) Kirk’s Mill Manor, Lot 1-15, Preliminary Plat, MD Route 274, RJ Engineering Corporation, Fifth Election District.

Robert Blomquist, RJ Engineering, appeared and presented an overview of the project. The purpose of the appearance was to resolve the SWM issues and SW conveyance to obtain approval at PC of preliminary plat.

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

1. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The existing pond is proposed to serve as a SWM BMP therefore an as-built, a dam breach analysis, and an engineer’s report addressing MD Pond 378 requirements must be submitted with the SWM plan.
3. SWM BMPs cannot be located within the 100-Year Flood Plain, stream buffers, and/or wetland buffers.

4. Access must be provided to each SWM pond from county ROW to allow for inspection & maintenance. This is one of the reasons the Department strongly recommends that SWM BMPs be located in common open space. If they are located on individual lots who will own and maintain them? An access easement will be required on each lot containing any structural BMP.
5. The Inspection & Maintenance easements for each SWM pond must be identified on the preliminary and final plats.
6. Indicate private SWM conveyance easements around proposed storm drains to be maintained by the HOA.
7. If the existing swale on Lots 10-12 remains and is proposed as SWM conveyance and/or treatment a private SWM easement must be provided for it. ~~Verify adequate separation distance between the swale and the septic reserve area on Lot 12. Adequate separation is required between the ponds and SRAs.~~
8. We have received a SSD submittal on 7-12-06. ~~Line of sight, intersection sight distance, and stopping sight distance must be addressed by the applicant's engineer for any proposed Kirk's Mill Road access locations. Mark the locations in the field by staking or flagging. As required at the November 2, 2005 TAC a submittal addressing these items and showing the available stopping sight distances must be made to the Department prior to submittal of a preliminary plat for TAC review.~~
9. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 9.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note
 - 9.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 9.3 Requirements for Utility relocations
 - 9.4 Requirements for Public Works Agreements
 - 9.5 Requirements for Stormwater Inspection and Maintenance Agreements
 - 9.6 Requirements for County Roads .
 - 9.7 Requirements for Driveways.
 - 9.8 Requirements for Private Mini Roads

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the private mini road and the county road & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving MD Rte 274 may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways accessing a County Road must be paved at least to the right of way. If the mini-road is paved, this requirement will be expanded to the mini-road right-of-way. The driveway paving must be complete for all lots at the time when the surface course for the internal county roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the county roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Graham, Citizens Representative, had no comments.

Mr. Kyte, FA, asked about a fire suppression tank. Mr. Blomquist stated that their first choice would be graph pipes. Mr. Kyte questioned how they would reach the homes on the far side from the pond. They have 2 proposed SW ponds. Mr. Blomquist said it is an unresolved issue at this point.

Ms. Latham, MDE, said they will need a water appropriation permit.

Mr. Moore, DEH, asked what the maximum stormwater easement for the pipe or the swale and access was. Mr. Woodhull said the department doesn't define a maximum. It varies with the diameter of the conveyance pipe and the depth it's buried. Mr. Moore read the comments for the department. See attached.

Mr. Di Giacomo read the comments for SHA. See attached.

Mr. Di Giacomo stated on behalf of Mr. Markwardt, CCB&E, the bus service would be provided at the intersection of the development road to be named and Kirk's Mill Road and Joseph Biggs Highway. Students may be required to cross the road either in the morning or afternoon depending on the direction the bus travels.

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

This proposal is in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: NAR (maximum base density of 1 du/ 5 ac.).

The original Concept Plat proposing a total of 15 lots on 96.36 acres, for a proposed density of 1/6.42, was originally approved on 12/19/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) Common open space being labeled and referenced as such;
- 4) Fee simple access to the proposed common open space being shown on the Preliminary Plat.
- 5) All bufferyards being shown on the Preliminary Plat;
- 6) The proposed Paul's Court being labeled a private mini-road on the Preliminary Plat; and
- 7) The contiguous operating farms notice being provided on the Preliminary Plat.

The revised Concept Plat, with the same density but a significantly new layout was approved on 7/19/06, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) Common open space being labeled and referenced as such;

- 3) The stream buffer being expanded as necessary;
- 4) All bufferyards being shown on the Preliminary Plat;
- 5) The Bufferyard A on proposed Lots 13-15 being reconfigured to be consistent with §187.3;
- 6) The contiguous operating farms notice being provided on the Preliminary Plat; and
- 7) Sight distance for the proposed Lot 1 access being approved prior to the TAC's review of the Preliminary Plat.

Bonus density eligibility was not an issue.

The boundary line survey has been completed. Has a copy been submitted? Yes.

This Preliminary Plat is generally consistent with the approved revised Concept 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.⁷ 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'. Because Hatboro is a hydric soil, the stream buffer has been expanded.

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.

Documentation of the completed JD is required prior to the planning Commission's review of the Preliminary Plat. However, the Corps of Engineers advises that JDs are on "hold" pending resolution of the implications of a recent Supreme Court decision. Under those uncertain circumstances, staff will recommend that any approval of a Preliminary Plat prior to said resolution contain a condition that documentation of the completed JD be submitted if JDs are once again performed.

There are no habitats of rare, threatened, and endangered species on site.

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 274 and Kirks Mill Lane.

A Bufferyard A has been shown on proposed Lot 4.

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 FSD has been approved. The PFCP was approved on 9/15/06.

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), Cecil County Forest Conservation Regulations).

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

A Landscape Agreement must be executed prior to recordation.

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

The proposed road names have been approved.

A Mini-Road Maintenance Association must be established for maintenance of the mini-road prior to recordation. All lot owners accessing the mini-road must become members.

15% common open space is required. Approximately 17% (was almost 25%) has now been proposed. All "common open space" must be labeled and referenced as such, as was a condition of Concept Plat approval (e.g., see sheet 4 of 6).

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 contiguous operating farms notice has been provided on the plat as Note # 16.

It is unclear why the plat contains signature blocks, which are not required, but has not be sealed, which is required, per §4.1.22. There are too many t's in Department. They need to come off.

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

'05 School information:	Elementary	Middle	High School
	Bay View	Rising Sun	Rising Sun
FTE	490	702	1153
Capacity	556	785	1081
% Utilization	88%	89%	107%

RECOMMENDATION:

~~DISAPPROVAL, with the recommendation that the plat be resubmitted once:~~

- ~~1) The surveyor's seal has been placed on every sheet, per §4.1.22(a);~~
- ~~2) A copy of the boundary line survey has been submitted ;and~~
- ~~3) The perennial stream buffer has been expanded in the area of Hatboro soils.~~

~~APPROVAL, conditioned on:~~

- ~~1) Health Department requirements being met;~~
- ~~2) DPW requirements being met;~~
- ~~3) The perennial stream buffer being expanded in the area of Hatboro soils;~~
- ~~4) The FCP and Landscape Plan being approved prior to Final Plat review;~~
- ~~5) —~~

Preliminary Plat Requirements:

- (a) The Preliminary Plat shall be submitted by the developer on paper and shall be clear and legible. The scale shall be no smaller than 1" = 100' (1" = 200' where the avg. lot size is > 5 acres as approved by OPZ). When more than 1 sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale. Each sheet must have the surveyor's seal. Incomplete Preliminary Plats will be returned to the subdivider within 15 days of submission for completion and resubmission as a new application.
- (b) Vicinity map indicating the location of property with respect to surrounding property and streets (scale to be no smaller than 1" = 2000'), and conforming to Section 2.4.4 on the designation of the remainder. Tax map, block, and parcel number shall also be shown.
- (c) The names, liber and folio of all adjoining property. In the event that a recorded subdivision adjoins the land to be developed, the subdivision name, recording reference and date of approval should be indicated.
- (d) Title information:
 - 1. Proposed name.
 - 2. Scale of Plat (feet and meters).
 - 3. Location by election district, County and State.
 - 4. Date.

- (e) Name and address of the owner and registered engineer or surveyor licensed in the State of Maryland responsible for the preparation of the plat, signature, and seal of the engineer, surveyor and corporation required.
- (f) Northpoint. Indicate if true north.
- (g) Boundary of proposed subdivision.
- (h) All existing pertinent features either natural or manmade that may influence the design of the subdivision, such as important trees or wooded areas, power transmission towers, existing buildings and structures and water courses.
- (i) Existing topography at 2- or 5-ft contour intervals. Contour lines shall be indicated 100 ft beyond the subdivision boundary. Contours shall be based on government bench marks when available within 2000 ft of property or by estimation from USGS quadrangle maps. Data shall be stated in all cases and a reference or bench mark described on the plat together with elevation. Source of contours shall be stated on plat, such as, field run topo, or aerial topo, etc. Interpolation of contours from USGS quadrangle maps will not be accepted unless previously approved by OPZ.
- (j) Location, width, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements (to be indicated with dashed lines).
- (k) Location of existing and proposed utilities on or within 200 ft of the tract with approximate pipe sizes and directions of slope indicated (should include electric and telephone poles or towers).
- (l) The layout of all proposed and existing lots with approximate dimensions and minimum building line should be indicated. All major subdivisions must be tied to the Maryland State Grid Coordinate System when markers are available within 2000 ft of the property.
- (m) The layout of all proposed streets and pedestrian ways, including widths of rights-of-way, pavements, and grades.
- (n) The approximate location, dimensions, and area of all property proposed to be reserved or temporarily reserved for public use, or to be reserved for use of all property owners in the subdivision, and the location, dimensions and purposes of any proposed easements, including drainage easements.
- (o) Zoning district classification of the tract or parcel being subdivided.
- (p) Existing and proposed (schematic) drainage systems including the type of structures, the floodplain and any deviations from standards. Section 7.5.
- (q) Locations of the septic disposal area, proposed wells and percolation information are to be indicated in accordance with the specifications of the Maryland State Department of Health and Mental Hygiene when individual sanitary facilities are to be used. If community sewerage and/or water systems are to be used, such notation shall be made on the Preliminary Plat.
- (r) Total number of lots, area of lots, density, total area and types of right-of-way dedicated, and total area of subdivision shall be indicated in table form.
- (s) In cases of condominium or multi-family projects (apartments, townhouses, etc.), the following additional items shall be shown:
 1. Approximate location of each building, setbacks from all streets (public or private), property lines and distance between buildings.
 2. Number and types of units in each building.
 3. Total number of Units and sub-totals of each type.
 4. Number of parking spaces in each off-street parking area, and the space to unit ratio.
- (t) Soil types shall be shown.
- (u) Perimeter of the entire parcel as well as the section requiring approval.

6) Old York Estates, Resubdivision, Lot 10B, Concept Plat, Shady Beach Road, RJ Engineering Corporation, Fifth Election District.

Robert Blomquist, RJ Engineering appeared and presented an overview of the project. Owner of lot 10A, Clinton Redding, would like to subdivide from 10A and create lot 10B. The plat presented shows the revised density pursuant to subdividing this lot.

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

1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Due to sight distance constraints the Department will require that a common driveway access point on to Shady Beach Road be established for Lots 10A & 10B at the existing driveway location for Lot 10A.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 3.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 3.2 Requirements for Utility relocations.
 - 3.3 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 3.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 3.5 Requirements for Driveways.

Notes and requirements identified for record:

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

- a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
 3. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 5. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Woodhull added that in their SWM plan they will need to address the drainage issue along Shady Beach Road. All driveways must be paved at least to the ROW. Therefore the driveways for lot 10A and 10B must be paved within the ROW of Shady Beach Road.

Mr. Di Giacomo asked why the driveway had not been paved as of yet. Mr. Blomquist did not know.

Mr. Graham, Citizen's Representative, read his comments opposing this project. See file.
Mr. Graham asked if they are planning to subdivide lot 23. Mr. Blomquist said he is not aware of that. Mr. Di Giacomo also received comments regarding this project. See file.

Mr. Kyte, FA, had no comment.

Ms. Latham, MDE, said they will not need a water appropriation permit.

Mr. Moore, DEH, read the comments for the department. See attached.
Mr. Moore asked about the plat not showing the shaded area as over 25% slope. Mr. Moore suggested they do a field survey topo in and around the sewage area. Based on the perc test the new property line may have to be adjusted.

Mr. Di Giacomo stated on behalf of Mr. Markwardt, CCBoE, they have concern about sight distance for a school bus. Students may have to cross the road either in the morning or afternoon depending on the direction the bus is traveling.

Mr. Di Giacomo, P&Z, read the comments for the department:
Upon inspection, this proposal was found not to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. The sign was put up on Saturday, 10/28/06.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac.

This Concept Plat is actually a proposed resubdivision of Old York Estates for the purpose of creating one additional lot.

The Concept Plat for the original parcel of which these proposed lots are part (*Joseph H. McKinney, etal*) was originally approved 3/15/99 (*at a density of 1:3.0*). Subsequently, along with 5 proposed lots on the south side of Shady Beach Road, these lots were included in a revised Concept Plat for “Shady Beach LLC.”

The Concept Plat was approved 3/20/00 at a density of 1/5.2 with 7 conditions.

- 1) That the Preliminary Forest Conservation Plan being approved prior to Preliminary Plat review by the Planning Commission,
- 2) A Landscape Plan for bufferyards and street trees being approved prior to Final Plat review by the Planning Commission,
- 3) A Landscape Agreement for bufferyards and street trees being executed prior to recordation,
- 4) Deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat and the metes and bounds description of the forest retention areas being shown on the record plat,
- 5) The common open space access easements behind and between proposed lots being marked with concrete monuments,
- 6) A jurisdictional determination being done prior to Preliminary Plat review by the Planning Commission,
- 7) The 1300-foot cul-de-sac receiving a Road Code waiver from the Dept. of Public Works.

The Preliminary Plat for Section II, Lots 10-27, was approved 5/15/00 with the following conditions:

- 1) That Health Department requirements be met;
- 2) That DPW requirements be met;
- 3) That the owners of these lots become members of the Homeowners’ Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation,
- 4) That a Landscape Agreement for bufferyards and street trees be executed prior to recordation;
- 5) That deed restrictions for long-term protection of the forest retention areas be recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat,
- 6) That the common open space access easements behind and between proposed lots be marked with concrete monuments,
- 7) That permits be obtained from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation,
- 8) That lot boundaries on the index sheets be rectified prior to Planning Commission review of the Final Plat.

At the Preliminary Plat stage, Section II consisted of proposed Lots 10-27. Proposed Lots 14-27 then proceeded separately, and they were considered to be in Section III.

Section I, Lots 5-9 was recorded on 8/11/00.

The Section II Final Plat, lots 10-13, was approved by the Planning Commission on 7/17/00 and recorded on 8/11/00.

The Section III Final Plat, lots 14-26, was approved by the Planning Commission on 9/18/00 and recorded on 2/12/01.

Subsequently, Lot 11 was subdivided into 11A and 27 with Preliminary-Final Plat approval on 6/18/01, conditioned on:

- 1) That Health Department requirements be met;
- 2) That DPW requirements be met;
- 3) That the owners of these lots become members of the Homeowners' Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation,
- 4) That a landscape agreement for bufferyards be executed prior to recordation;
- 5) That deed restrictions for long-term protection of the forest retention areas be recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat, and
- 6) The vicinity map and the legend being corrected.

The Lots 11A & 27 Record Plat was signed on 9/12/01. The recordation of the new Lot 27 was consistent with the Old York Estates Concept Plat's density approval of 1/5.2.

A resubdivision plat was signed on 6/7/04 for Lot 10, involving modifications to the Forest Conservation Plan.

The applicant is advised that the NAR density cited in the Density Tabulation is incorrect. If the NAR density were, in fact, now 1/10, then there would be no remaining subdivision potential.

There are currently 23 major subdivision lots in Old York Estates, consistent with the 3/20/00 Concept Plat density approval of 1/5.2. If approved, this resubdivision would create the 24th lot on the 120 Old York Estates acres, thus revising the overall density to 1/5.

The title block must be modified to clearly reflect the fact that this Concept Plat represents a resubdivision, and that only proposed Lots 10A and 10B are under consideration prior to any submission to the Planning Commission.

It is unclear why the Acreage Table does not include the current acreage of Lot 10 and proposed Lots 10A and 10 B. That only adds to the confusion created in the title block.

It is equally unclear why the approval signature blocks have been provided on a Concept Plat. They should not appear on any Concept Plat submission to the Planning Commission.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁸

Slopes greater than 25% again must be shown on the Preliminary Plat. The majority of the proposed Lot 10B is shown to be situated on steep slopes.

⁸ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

The Jurisdictional Determination (JD) performed in conjunction with the original subdivision may serve to satisfy the JD requirement for this resubdivision, if acceptable to MDE and the Corps of Engineers. Otherwise, documentation of a completed JD must be submitted prior to Preliminary Plat review by the Planning Commission.

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

The FSD (9/13/99), the PFCP (4/24/00), and FCP /Landscape Plan (6/13/00) were previously approved. The FSD's approval has expired. FSD approval is required prior to the Planning Commission's review of the Concept Plat. A revised FCP must be approved before Final Plat review.

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

If this submission concerns only proposed Lots 10A and 10 B, then why does General Note #5 concern itself with the issue of street trees on Old York Court? That only adds to the confusion created in the title block and Acreage Data.

All Old York Estates' recorded deed restrictions and HOA documents must be modified to include these lots and then be recorded prior to recordation. What do the HOA by-laws say about new lots and new membership? It doesn't restrict them.

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

The GAP must be updated prior to Final Plat review.

Shady Beach Road must be clearly labeled on the plat. Safe sight distance for the proposed entrance must be verified by DPW.

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

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

	'05 School information:		High School
	Elementary	Middle	
	Elk Neck	North East	North East
FTE	460	851	1151
Capacity	514	721	1104
% Utilization	89%	118%	104%

RECOMMENDATION:

~~DISAPPROVAL, with the recommendation that the plat be resubmitted once:~~

~~APPROVAL, conditioned on:~~

1) —

CONCEPT PLAT REQUIRED INFORMATION:

(II) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.

- (mm) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (nn) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (oo) Title information:
 - 10. Proposed name
 - 11. Scale of Plat
 - 12. Date
- (pp) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (qq) North point.
- (rr) Boundary of proposed subdivision. This can be a deed plot.
- (ss) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (tt) Location of existing utilities on or within 200 ft of the parcel.
- (uu) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (vv) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (ww) Zoning classification of tract.

7) Lands of Brooks, Lots 1-13, Concept Plat, Belvidere Road & Grindstone Drive, Vollmer Associates, LLP, Fifth Election District.

Fred Orr and Cindy Seen, Vollmer Associates appeared and presented an overview of the project. It is zoned NAR. They are proposing 13 lots one of which would consist of the existing house off of Belvidere Road. They are making use of 3 minor subdivision lots and the remaining density proposed as base density for NAR. The road access for the 12 new lots will be via the existing ROW stub from Waterwheel Drive in the Jackson Mill Farm subdivision as shown in their plan as Grindstone Drive. Mr. Orr had noted a correction on note #9 the proposed density. The ten lot count should be identified as major subdivision not minor subdivision. He also notified the committee that the field review for the Forest Delineation, wetlands and waterways which was done by Vortex Environmental has been completed. An intermittent stream was identified in the swale area. Southwest of lot 10 and in the location of the county minor road B shown and also the swale area shown on lot 12. They expect to request a waiver of the intermittent stream buffer for the road crossing as well as for the lot 12 anticipated driveway crossing as part of the PC submittal for concept review. They have conducted an onsite review with DPW of the proposed Grindstone Drive interconnection. More research will be done before deciding how to handle this interconnection.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. The Department strongly recommends closed section road using modified curb and gutter without sidewalks for proposed section of Grindstone Drive and the proposed minor road 'B'. We also ask that a 30' wide pave section be considered for both.
3. The Department also recommends that a ROW (paper street) be identified connecting to the Lands of Thomas. This could be located in line with Grindstone Drive at the intersection with minor road 'B'.
4. The intermediate turnaround is not required and should be removed.
5. Have you given any consideration as to how you will address SWM for this site? Yes.
6. If any of the existing ponds are proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer's report addressing MD Pond 378 requirements must be submitted with the SWM plan.

7. The COS between Lots 3-9 & the adjacent development appears to be problematic with the fact that lots in the adjacent development have been using this area as theirs for some time now. *Note – Consideration from all regarding the neighboring development continues to utilize the COS, there could be legal issues if any injury occurs.
8. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 8.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 8.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 8.3 Requirements for Utility relocations.
 - 8.4 Requirements for Public Works Agreements.
 - 8.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 8.6 Requirements for County Roads.
 - 8.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Water Wheel Way may not exceed 5% within the limits of the intersection right-of-way.

All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Graham, Citizens Representative, read his comments. See file. Included in his comments was a question regarding the responsibility of the maintenance of the COS. Mr. Orr replied the COS would be the Community Associations responsibility.

Mr. Kyte, FA, asked about fire suppression. Mr. Orr said he has looked at the existing pond and with the proposed minor road location there is potential for a dry hydrant. Location is not known at this time. Mr. Kyte asked to have the dry hydrant as close to Grindstone Drive as possible with a pull off. Mr. Orr said yes, they would. This would be an open road section with no sidewalks. There is potential for curb and gutter. Mr. Kyte asked to consider 4 off street parking spaces per house.

Ms. Latham, MDE, said they would need a water appropriation permit.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Moore suggested that they get a copy of the sketch plat from the Health Department regarding the perc testing that had been previously completed. This will help them see the past problems the land had.

Mr. Di Giacomo asked on behalf of Mr. Markwardt, CCB&E, if Grindstone Drive would be a paved county road. Mr. Orr said they are only proposing to construct Grindstone Drive from Waterwheel Drive to the county minor road B. Also, bus service would be provided at the current bus stop on Theodore Road and Mill Race.

Mr. Di Giacomo, P&Z, read the comments for the department:
Upon inspection, this proposal was found not to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. *Note – currently the signs have been put up. Mr. Orr presented the pictures to Mr. Di Giacomo.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3.

Per Site Data Table Note # 9, this Concept Plat proposes 3 minor subdivision lots at the NAR zone's minor subdivision density's 1 du/ 1 ac.

Therefore, after deducting the 3 minor subdivision acres, this Concept Plat proposes 10 major subdivision lots on the remaining 50.62 acres, for a proposed density of 1/5.06.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁹

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

⁹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.¹⁰

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

15% common open space is required; 19.88% is proposed.

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

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

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. The adjacent properties' zoning has not been shown.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

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

¹⁰ 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 or the large lot, a JD need not be done.

The vicinity map shows Grindstone Drive connecting to Theodore Road, but that is not actually the case. Theodore Road could only be reached via Water Wheel and Mill Race Drives. Is the applicant proposing to complete Grindstone Drive out to Theodore Road? No

Since Grindstone Drive does not now connect to Theodore Road, has any consideration been given to extending the proposed unnamed road out to Belvidere Road? Yes

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.

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

	'05 School information:		High School	
	Elementary	Middle	Perryville	
FTE	Rising Sun 793	Perryville 705	Perryville 1031	
Capacity	671	753	1038	
% Utilization	118%	94%	99%	

CONCEPT PLAT REQUIRED INFORMATION:

- (xx) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (yy) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (zz) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (aaa) Title information:
 - 13. Proposed name
 - 14. Scale of Plat
 - 15. Date
- (bbb) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (ccc) North point.
- (ddd) Boundary of proposed subdivision. This can be a deed plot.
- (eee) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (fff) Location of existing utilities on or within 200 ft of the parcel.
- (ggg) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (hhh) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (iii) Zoning classification of tract.
- (jjj) In the case of multi-family projects (apartments, townhouses, etc.) the following additional items shall be shown:
 - 4. Approximate location of buildings.
 - 5. Total number of units in each building.
 - 6. Total number of off-street parking spaces and the space to unit ratio.
- (kkk) General location and areal extent of the following when the subdivision is proposed in the Cecil County Critical Area:
 - 1. Tidal and non-tidal wetlands;
 - 2. Streams (perennial and intermittent);
 - 3. Areas of steep slopes, highly erodible and other soils with development constraints;
 - 4. Shore and stream Buffer (110-foot minimum);
 - 5. Natural resource protection areas, Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;
 - 6. The Critical Area Boundary and the applicable land management classification(s), i.e. Intensely Developed Area (IDA), Limited Developed Area (LDA), or Resource Conservation Area (RCA);
 - 7. Computation of the amount of acres in the Critical Area District; and
 - 8. The location and extent of existing an/or [sic] proposed shore erosion abatement approaches.

**8) Bohemia Crossing, Lots 1-13 (Lots 14-18 are proposed in New Castle County, Delaware),
Concept Plat, Old Telegraph Road, Landmark Consulting Engineers, Inc., Second Election
District.**

Bruce Tease, Landmark and George Hobbs, representative for the owners, appeared and presented an overview of the project. This project is composed of parcel A, zoned SAR, 13 lots on 49.2 acres. They are requesting bonus density. Parcel B is 1.05 acres. Parcel C is zoned S and that is in New Castle County, Delaware. It is a land lock parcel. They have spoke with a representative from New Castle County regarding the lots in DE having to be accessed through Cecil County. They seemed to have no problem with that. They have completed a Forest Stand Delineation study which they have already received comments on it. Yesterday, they delivered a Critical Area report. All lots are proposed for on site well and septic. They have shown proposed SWM area. They are proposing to do an open road section for the streets shown on the plan.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. Applicant must provide stopping sight distance measurements for the Old Telegraph Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
3. Has any consideration been given to locating the proposed entrance farther north than is shown? In visiting the site the visibility to the south on Old Telegraph Road appears challenging to say the least. As with all projects the stopping sight distance obtainable must meet AASHTO standards for a safe entrance condition.
4. A protocol 3 road condition survey & road improvements plan for Old telegraph Road, along the entire frontage of this development, must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements.
5. Section 3.07.15 of the Road Code requires that Old Telegraph Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
6. Geo-technical analysis of all road crossings of wetlands/streams to determine suitability of the sub-base to support a county road. This analysis must be included in the road & storm drain design submittal.
7. The road frontage dedication requirement is for a fee simple 30' wide strip measured from the roadway centerline. The correct note must read "30' wide strip of land to be dedicated in fee simple to the Board of County Commissioners of Cecil County".
8. The minimum horizontal curvature radius for a Minor Road is 200'. The proposed road geometry adjacent to Lots 2, 6, 9 and 13 must comply.

9. The driveways for Lots 4 & 5 must be a minimum of 75' from the intersection.
10. Have you given any consideration as to how you will address SWM for this site? Yes
11. For the portion of the development in Delaware the applicant must comply with all pertinent requirements imposed by them in regards to SWM, lot grading, building permits, etc...
12. What is the proposed disposition of the structures on Parcel 'B'? Yes, it will remain.
13. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 13.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 13.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 13.3 Requirements for Utility relocations.
 - 13.4 Requirements for Public Works Agreements.
 - 13.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 13.6 Requirements for County Roads.
 - 13.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Liberty Grove Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Graham, Citizen's Representative, read his comments. See file.

Mr. Di Giacomo also received comments. See file

Mr. Kyte, FA, asked about the phone systems for emergency services. Mr. Tease is unsure exactly how this will work. Mr. Di Giacomo added that in previous situations, Verizon has handled it with the homes in DE would have the 302 exchange and the homes in MD would have the 410 exchange. From our 911 center, the homes in DE the calls would go to Minquidale and the homes in MD would go to Elkton. Once it goes to DE, they would contact Middletown which would connect a call through Elkton to Chesapeake City. Both would respond. Mr. Kyte also asked about fire suppression. Mr. Tease said that a fire suppression tank will be considered. Mr. Kyte provided information on fire suppression tanks.

Ms. Latham, MDE, said they will need a water appropriation permit.

Mr. Moore, DEH, read the comments for the department. See attached. Mr. Moore also asked what the well to septic distance requirement in DE. Mr. Tease stated 100 ft. Perc testing will be completed at the same time for both states.

Mr. Di Giacomo stated on behalf of Mr. Markwardt, CCBoE, bus service would be provided at the intersection of the development road and Old telegraph Road. Students may be required to cross the street in the morning or afternoon depending on which direction the bus is traveling. Students who live in lots 14-18 will not be provided access to Cecil County Public Schools as they are not MD residents. Mr. Markwardt fears this may cause a problem, questioning who is going to provide bus service for the DE residents.

Mr. Di Giacomo, stated on behalf of the Critical Area. See attached.

Mr. Di Giacomo, P&Z, read the comments for the department, Mr. Di Giacomo noted that New Castle County was invited to the TAC meeting.

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

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

Zoning: SAR and RCA

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. Bonus density eligibility carries with it a permitted density of up to 1/5. This Concept Plat proposes 4 minor subdivision lots and 9 major subdivision lots on 50.25 acres, for a proposed bonus density of 1/5.58, with another 5 lots proposed in New Castle County.

Minor subdivision lots are permitted in the SAR zone at a density of 1/1. Therefore, since there is no request to invoke the density provision of §2.4.1, 4 acres should have been subtracted from the 50.25 total, leaving 46.25 acres upon which to base the revised major subdivision density of 1/5.14. If the intent is to invoke §2.4.1, then that must be made clear. The Planning Commission must not be left guessing.

The title block must provide the Election District information.

6.19 acres are located in the Critical Area RCA overlay zone, which permits a density of 1/20.

From the information presented, it appears that the existing Parcel B, shown with a driveway and residence, is proposed to be combined with acreage in Parcel A to create the large to satisfy bonus density eligibility requirements, pursuant to §23.2.b (3). If so, as Parcel B is entirely in the Critical Area, then it must be given a lot number and included in both the SRA and RCA density calculations. In that case, the new SAR proposed density would be 1/4.625, which would not be permitted without the invocation of §2.4.1, in which case the density would be 1/5.03.

An environmental assessment must be submitted in accordance with §200.1 of the Zoning Ordinance.

As to the development of the proposed lots in New Castle County, respective Final Plats for this project must be approved in both counties prior to recordation in either county.

At what stage is this project in the New Castle County review and approval process? They have already spoken with New Castle County.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹¹

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'. It appears that the perennial stream buffer must be expanded.

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.¹²

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

15% common open space is required; it appears that some of the 60.64% open space may be common open space. That must be clarified prior to any submission to the planning Commission.

With 60.64% "open space" this project is eligible to be considered for bonus density – provided that there is at least 15% common open space.

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

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

¹¹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹² 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 or the large lot, a **JD** need not be done.

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) and conceptual environmental assessment must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations).

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

The final Forest Conservation Plan (FCP), Landscape Plan, and environmental assessment must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The proposed road names have been DISAPPROVED. New names must be selected and approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. If it is determined that New Castle County 911 will handle, and the Middletown Fire Company will respond to, emergency calls for the 5 homes proposed in New Castle County, then documentation of New Castle County's approval of the road name on which the New Castle County lots front will also be required prior to the Planning Commission's review of the Preliminary Plat.

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.

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

In the critical area, no structure shall exceed 35' in height.

The GAP will need to be issued prior to Final Plat review. Coordination between MDE and DNREC may be necessary.

It must be determined whether potential students in the 5 New Castle County homes would be served by Cecil County schools or those of the Appoquinimink School District.

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

'05 School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	287	535	691
Capacity	325	540	689
% Utilization	88%	99%	100%

CONCEPT PLAT REQUIRED INFORMATION:

- (lll) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (mmm) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (nnn) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (ooo) Title information:
 - 16. Proposed name
 - 17. Scale of Plat
 - 18. Date
- (ppp) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (qqq) North point.
- (rrr) Boundary of proposed subdivision. This can be a deed plot.
- (sss) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (ttt) Location of existing utilities on or within 200 ft of the parcel.
- (uuu) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (vvv) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (www) Zoning classification of tract.
- ~~(xxx) In the case of multi-family projects (apartments, townhouses, etc.) the following additional items shall be shown:~~
 - ~~7. Approximate location of buildings.~~
 - ~~8. Total number of units in each building.~~
 - ~~9. Total number of off-street parking spaces and the space to unit ratio.~~
- (yyy) General location and areal extent of the following when the subdivision is proposed in the Cecil County Critical Area:
 - 9. Tidal and non-tidal wetlands;
 - 10. Streams (perennial and intermittent);
 - 11. Areas of steep slopes, highly erodible and other soils with development constraints;
 - 12. Shore and stream Buffer (110-foot minimum);
 - 13. Natural resource protection areas, Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;
 - 14. The Critical Area Boundary and the applicable land management classification(s), i.e. Intensely Developed Area (IDA), Limited Developed Area (LDA), or Resource Conservation Area (RCA);
 - 15. Computation of the amount of acres in the Critical Area District; and
 - 16. The location and extent of existing an/or [sic] proposed shore erosion abatement approaches.

Mr. Tease asked Mr. Di Giacomo to clarify the requirements for bonus density in regards to the COS.

9) Meadows Hideaway, Lots 1-16, Concept Plat, Calvary Road, McCrone, Inc., Fifth Election District.

Don Sutton with McCrone, Inc., and Joe Meadows, owner appeared and presented an overview of the project. The property is comprised of 2 separate parcels. They are invoking the 2.4.1 minor subdivision inclusion. This is 42.1 acres. They are proposing a standard 5 acre density for this property. Currently this property has an ongoing surface mine operation. This project is located at the end of Calvary Road from Goosemar. They would be extending Calvary Road into the new development.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. Access is currently provided to this property via a private road extending to Goosemar Road. What is the applicant proposing for Calvary Lane? They will be contacting DPW regarding that issue.
3. Until Calvary Lane, from Goosemar to this property, is built to acceptable County standards & is deeded to the BOCC of Cecil County this development can not proceed.
4. The specific standard will depend on the number of dwellings that potentially can access Calvary Lane.
5. Applicant must provide stopping sight distance measurements for the Goosemar Road access to DPW prior to preliminary plat submittal.
6. Section 3.07.15 of the Road Code requires that Goosemar Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
7. What is proposed for water & sewer service to these lots? Well and septic will be private on lots.
8. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 8.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 8.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 8.3 Requirements for Stormwater Inspection and Maintenance Agreements..
 - 8.4 Requirements for Driveways.
 - 8.5 Requirements for Utility relocations.
 - 8.6 Requirements for Public Works Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
6. A Public Works Agreement is required for the streets & storm drainage construction.

Mr. Graham, Citizens Representative, read his comments. See file.

Mr. Kyte, FA, stated he didn't know of any dry hydrants in the area. Mr. Kyte asked them to consider putting a tank in the area.

Ms. Latham, MDE, said they would need a water appropriation permit.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Di Giacomo stated on behalf of Mr. Markwardt, CCBoE, bus service would be provided at the intersection of Calvary Road and Goosemar Road. Students may be required to cross the road in the morning or afternoon depending on the direction the bus is traveling.

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

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

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

Zoning: NAR & MEB

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat consists of 2 parcels of record and is proposing 8 minor subdivision lots and 8 major subdivision lots on 42.1 acres, for a proposed density of 1/5.26.

Minor subdivision lots are permitted in the NAR zone at a density of 1/1. Therefore, since there is no request to invoke the density provision of §2.4.1, 8 acres should have been subtracted from the 42.1 total, leaving 34.1 acres upon which to base a revised major subdivision density of 1/4.26. If the intent is to invoke §2.4.1, then that must be made clear. The Planning Commission must not be left guessing.

Why do the notes omit the fact that these parcels have an MEB overlay zoning?

The plat shows a boundary demarking the "existing limits of approved surface mining." As previously stated, these parcels' MEB overlay zone has not been directly referenced on the plat. That must be remedied prior to any submission to the Planning Commission. Otherwise, pursuant to §4.0.13, such submission will be returned to the applicant.

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.

The Comprehensive Plan requires that the ultimate use of parcels in a Mineral Extraction District be determined "after extraction has occurred, or the mineral is demonstrated to be economically unrecoverable." In this case, the proposed ultimate use is the 16 proposed lots in this subdivision, but, so far, no documentation has been submitted demonstrating that the minerals on this site are unrecoverable. What steps have been taken in that regard? A service mining operation nearing the end of what is available as far as what material is there. They do not have any documents at this time.

As these parcels have no public road frontage and no direct public road access, a Variance will be required from the Board of Appeals prior to Final Plat approval. What steps have been taken in that regard? Not yet.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹³

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 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.¹⁴

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

15% common open space is required; 24.25% is proposed.

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

No Bufferyard Standard C is required because there are no road frontages.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. Should this proposal be approved, then staff will recommend such a bufferyard to separate these homes from surrounding MEB overlay zones and their activities.

¹³ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹⁴ 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 or the large lot, a **JD** need not be done.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Proposed Lot 10 does not exceed the 3:1 length to width ratio established in §7.4.2.

The proposed road name has been DISAPPROVED. The internal road name 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.

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

'05 School information:	Elementary	Middle	High School
	Rising Sun	Perryville	Perryville
FTE	793	705	1031
Capacity	671	753	1038
% Utilization	118%	94%	99%

CONCEPT PLAT REQUIRED INFORMATION:

- (zzz) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (aaaa) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (bbbb) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (cccc) Title information:
19. Proposed name
 20. Scale of Plat
 21. Date
- (dddd) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (eeee) North point.
- (ffff) Boundary of proposed subdivision. This can be a deed plot.
- (gggg) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (hhhh) Location of existing utilities on or within 200 ft of the parcel.
- (iiii) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (jjjj) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (kkkk) Zoning classification of tract.

Mr. Kyte left the meeting at this point.

10) Wapiti, Lots 1-6, Concept Plat, Turkey Point Road, McCrone, Inc., Fifth Election District.

Don Sutton with McCrone, Inc. and Mark Ritz representing Wapiti appeared and presented an overview of the project. This project is located off of Boy Scout Road and on the north side of Turkey Point Road which is a portion of the Wapiti property. This is comprised of about 33 acres of land.

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

1. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Has any consideration been given as to how SWM requirements will be addressed for these lots? Yes, in the COS, possibly a SWM facility to be constructed.
3. Boy Scout Road is a County road. It is a one lane wide and the road access is not considered adequate under 2.7.1 of the subdivision regulations. Therefore a protocol 3 road condition survey & road improvements plan for Boy Scout Road, from MD 272 to the western property line of this development, must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements. The applicant can expect the requirement to widen Boy Scout Road along their entire frontage to a 22' wide open section road with shoulders.
4. The entrance geometry at MD 272 must be redesigned to meet Road Code standards.
5. Applicant must provide stopping sight distance measurements for the Boy Scout Road access points, including the driveway for Lots 5 & 6 to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
6. Lots 1 & 4 are denied direct access onto Boy Scout Road. This must be clearly identified on the Preliminary & Final Plats as well as on the final lot grading plan.
7. The driveways for Lots 5 & 6 must be paved within the County ROW.
8. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 8.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 8.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.

- 8.3 Requirements for Utility relocations.
- 8.4 Requirements for Stormwater Inspection and Maintenance Agreements
- 8.5 Requirements for Private Mini Road
- 8.6 Requirements for Public Works Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Boy Scout Road may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.
6. A Public Works Agreement is required for the streets & storm drainage construction.

Mr. Graham, Citizens Representative, had no comments.

Ms. Latham, MDE, said they would not need a water appropriation permit.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Di Giacomo stated on behalf of Mr. Markwardt, CCBoE, bus service will provided at the intersection of Boy Scout Road and Turkey Point Road. Students may be expected to cross the road either in the morning or afternoon depending on the direction the bus is traveling.

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

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. This Concept Plat proposes 6 lots on 33 acres, for a proposed density of 1/5.5. Thus, bonus density is not an issue.

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

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

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 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.¹⁶

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

No common open space is required; 32.73% is proposed. Why? SWM facilities and steep slopes that they can't do much with.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Turkey Point and Boy Scout Roads.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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).

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

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

¹⁶ 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 or the large lot, a **JD** need not be done.

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Proposed Lot 6 exceeds the 3:1 length to width ratio established in §7.4.2.

The internal road name 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.

A Mini-road Maintenance Association for maintenance of the proposed Eagle Circle mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

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

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

'05 School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	460	851	1151
Capacity	514	721	1104
% Utilization	89%	118%	104%

CONCEPT PLAT REQUIRED INFORMATION:

- (llll) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (mmmm) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (nnnn) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (oooo) Title information:
 - 22. Proposed name
 - 23. Scale of Plat
 - 24. Date
- (pppp) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (qqqq) North point.
- (rrrr) Boundary of proposed subdivision. This can be a deed plot.
- (ssss) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (tttt) Location of existing utilities on or within 200 ft of the parcel.
- (uuuu) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (vvvv) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (wwww) Zoning classification of tract.

Mr. Di Giacomo spoke with emergency 911, regarding the street names. 911 stated that the names have been approved.

11) Knight's Court, Lots 1-45, Concept Plat, Knight's Island and Sandy Bottom Roads, McCrone, Inc., First Election District.

Don Sutton with McCrone, Inc. appeared and presented an overview of the project. This is comprised of two parcels of currently existing property and 296.86 acres. Currently the two parcels have acreage within the Critical Area. Development of that area will be determined at a later date. They are access Knight Island Road with two access points. They are seeking standard density.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. Applicant must provide stopping sight distance measurements for the Knight Island Road access points, including the driveway for Lot 45, to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
3. A protocol 3 road condition survey & road improvements plan for Knight Island Road, along their entire frontage to Sandy bottom Road., must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements.
4. Section 3.07.15 of the Road Code requires that Knight Island Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 5.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 5.2 Requirements for Utility relocations.
 - 5.3 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 5.4 Requirements for Public Works Agreements.
 - 5.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 5.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.

3. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
4. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Graham, Citizens Representative, read his comments. See file.

Mr. Di Giacomo also received some comments. See file.

Ms. Latham, MDE, stated that they would need a water appropriation permit.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Di Giacomo read comments on behalf of Critical Area. See attached.

Mr. Di Giacomo stated on behalf of Mr. Markwardt, CCB&E, bus service would be provided at the intersection of the development roads. Students may be expected to cross the road in the morning or afternoon depending on the direction the bus is traveling.

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

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

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

Zoning: SAR & RCA

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. This Concept Plat invokes the density provision of §2.4.1 to propose 8 minor subdivision lots (for 2 parcels of record) and 37 major subdivision lots on 298.86 acres, for a proposed density of 1/8.077. Thus, bonus density is not an issue.

35.58 acres are located in the Critical Area RCA overlay zone, which permits a density of 1/20. Only one proposed lot would be in the Critical Area on each original parcel of record. The proposed Lots 23 and 45 Critical Area density is 1/17.79.

If it is determined that the tidal influence of Hall Creek extends beyond the Critical Area boundary, then that boundary would need to be expanded, thus changing the Critical Area density.

An environmental assessment may need be submitted in accordance with §200.1 of the Zoning Ordinance.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. The boundary shown on the plat does not match that shown on the submitted FSD.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁷

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.¹⁸

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

15% common open space is required; 15.14% is proposed.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Knight Island and Sandy Bottom Roads. However, in the interest of better preserving the rural character of the area, staff would support a Bufferyard A along the road frontages of Knight Island and Sandy Bottom Roads, as well as along the SW lot lines of proposed Lots 31 & 32.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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.

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

In the critical area, no structure shall exceed 35' in height.

¹⁷ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹⁸ 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 or the large lot, a **JD** need not be done.

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

The Forest Stand Delineation (FSD) and conceptual environmental assessment must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations).

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

The final Forest Conservation Plan (FCP), Landscape Plan, and environmental assessment must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

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

A TIS may be required to be completed prior to Preliminary Plat review by the TAC.

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 Maintenance Association for maintenance of any mini roads must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

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

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

'05 School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	287	535	691
Capacity	325	540	689
% Utilization	92%	99%	100%

CONCEPT PLAT REQUIRED INFORMATION:

(xxxx) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified.

Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.

(yyyy) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.

(zzzz) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.

(aaaaa) Title information:

- 25. Proposed name
- 26. Scale of Plat
- 27. Date

(bbbbb) Name and address of owner or person representing owner who is responsible for preparation of the plat.

(ccccc) North point.

(dddd) Boundary of proposed subdivision. This can be a deed plot.

- (eeee) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (ffff) Location of existing utilities on or within 200 ft of the parcel.
- (gggg) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (hhhh) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (iiii) Zoning classification of tract.
- (jjjj) In the case of multi-family projects (apartments, townhouses, etc.) the following additional items shall be shown:
 - 10. Approximate location of buildings.
 - 11. Total number of units in each building.
 - 12. Total number of off-street parking spaces and the space to unit ratio.
- (kkkk) General location and areal extent of the following when the subdivision is proposed in the Cecil County Critical Area:
 - 17. Tidal and non-tidal wetlands;
 - 18. Streams (perennial and intermittent);
 - 19. Areas of steep slopes, highly erodible and other soils with development constraints;
 - 20. Shore and stream Buffer (110-foot minimum);
 - 21. Natural resource protection areas, Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;

12) The Horse Trails at Worsell Manor, Lots 1-27, Concept Plat, Worsell Manor Road & MD Route 282, McCrone, Inc., First Election District.

Don Sutton with McCrone, Inc. appeared and presented an overview of the project. Mr. Sutton stated there is new ownership of this property. A new plat will be provided with the new land owner's name. They are looking at a large lot layout using the 2.4.1 minor subdivision inclusion. They are proposing two mini roads but they were proposing them to be a wider ROW than minimal required.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. A Traffic Impact Study will be required for this development.
3. A protocol 3 road condition survey & road improvements plan for Worsell Manor Road, from Bohemia Church Road to MD 282, must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements. The Department suggests that the applicant discuss sharing in the cost of this requirement with the applicant presenting the Nieve's Property.
4. Section 3.07.15 of the Road Code requires that Worsell Manor Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
5. The road frontage dedication requirement is for a fee simple 60' wide strip measured 30' from the either side of the roadway centerline where the applicant owns both sides of the road and where the applicant owns only on one side of the road the 30' wide strip is required. The correct note must read "Strip of land to be dedicated in fee simple to the Board of County Commissioners of Cecil County".

6. Applicant must provide stopping sight distance measurements for the Worsell Manor Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
7. Are Custis Way & Sawyer Lane proposed as private mini roads? Yes.
8. The minimum horizontal curvature radius for a Minor Road is 200’.
9. Have you given any consideration as to how you will address SWM for this site? Yes.
10. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 10.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 10.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 10.3 Requirements for Utility relocations.
 - 10.4 Requirements for Public Works Agreements.
 - 10.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 10.6 Requirements for County Roads.
 - 10.7 Requirements for Driveways.
 - 10.8 Requirements for Private Mini Roads

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Liberty Grove Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Biggs Highway (MD Rte 274) may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Graham, Citizen’s Representative, read his comments. See file.

Mr. Di Giacomo also received comments. See file.

Mr. Di Giacomo read the comments for SHA. See attached.

Mr. Di Giacomo asked on behalf of Mr. Kyte, FA, what their plans for a drafting tank or dry hydrant. Mr. Sutton said they have not looked that far yet.

Ms. Latham, MDE, said they would need a water appropriation permit.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Di Giacomo stated on behalf of Mr. Markwardt, CCBoE, bus service would be provided at the intersection of the development roads Custis Way, Heath Lane, Sayer Lane and Worsell Manor. Students may be required to cross the street in the morning or afternoon depending on the direction the bus is traveling.

Mr. Di Giacomo, P&Z, read the comments for the department:
Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. This Concept Plat invokes the density provision of §2.4.1 to propose 1 minor subdivision lot and 26 major subdivision lots on 210.93 acres, for a proposed density of 1/8.11. Thus, bonus density is not an issue.

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

The correct median lot size is 3.53 acres, as must be reflected on any plat submitted to the Planning Commission.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁹

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'.

¹⁹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A 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.²⁰

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

15% common open space is required; 42.2% is proposed.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Worsell Manor Road and MD Route 272.

Note # 2 cites the 40-10-40 setbacks, "unless otherwise shown." 100' setbacks are required, but not shown, from Worsell Manor Road and MD Route 282. That setback, which may affect the layout of proposed lots 1, 7, 8-9, and 21-22, must be shown.

This design precludes any Bufferyard Standard A 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 (§5.1.C, Cecil County Forest Conservation Regulations).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Proposed lot 7 exceeds the 3:1 length to width ratio established in §7.4.2.

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.

²⁰ 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 or the large lot, a **JD** need not be done.

This layout is consistent with the requirements of §7.2.12.E.4 and §7.2.12.E.5.

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.

This design includes 2 mini-roads. Has any consideration been given to a design that would include a looped road, instead? They did look at the issue. They do not think it will work.

Has any consideration been given to road connectivity to the Nieves property to the north? No. Given the 42-lot subdivision proposed on the adjacent Nieves property, a Traffic Impact Study (TIS) may be required to be completed prior to the TAC's review of any Preliminary Plat.

Mini-road Maintenance 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.

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

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

	'05 School information:		High School	
	Elementary	Middle	Bo Manor	Bo Manor
FTE	Cecilton 287	Bo Manor 535	Bo Manor 691	
Capacity	325	540	689	
% Utilization	92%	99%	100%	

CONCEPT PLAT REQUIRED INFORMATION:

(lllll) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.

(mmmmm) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.

(nnnnn) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.

(ooooo) Title information:

28. Proposed name

29. Scale of Plat

30. Date

(ppppp) Name and address of owner or person representing owner who is responsible for preparation of the plat.

(qqqqq) North point.

(rrrrr) Boundary of proposed subdivision. This can be a deed plot.

(sssss) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).

(ttttt) Location of existing utilities on or within 200 ft of the parcel.

(uuuuu) The layout of all proposed and existing lots with appropriate dimensions and minimum area.

(vvvvv) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.

(wwwww) Zoning classification of tract.

13) Pelham Manor, Concept Plat Renewal, Hutton & Williams Road, Morris & Ritchie Associates, Inc., Second Election District.

Fred Sheckles with Morris and Ritchie appeared and gave an overview of the project. The concept plat was originally approved in October of 2002. Some of the lot configuration has changed due to the perc testing.

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

1. The Department has no objection to the renewal of the concept plat for this development.

Mr. Graham, Citizen's Representative, read his comments. See file.

Ms. Latham, MDE, stated they have a water appropriation permit.

Mr. Moore, DEH, read the comments of his department. See attached. Mr. Moore said there have been additional test done in the area of lots 54-58 & 60-64 in which he believes those test are no good. Mr. Moore asked if they were planning to relocate those lots. Mr. Sheckles said they will either relocate or a community system.

Mr. Di Giacomo read the comments for SHA. See attached.

Mr. Di Giacomo read on behalf of Mr. Markwardt, CCB&E, bus service will be provided at the current bus stop at the intersection of Pelham Manor and Williams Roads. Students may be required to cross the street either in the morning or afternoon depending on the direction the bus is traveling.

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

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

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

Zoning: NAR

Density: The Concept Plat was approved at the NAR bonus density of 1/3.02 on 10/21/02, conditioned on:

- 1) The Bufferyard C requirement for proposed Lot 98 being waived in favor of a modified Bufferyard A (10' wide w/o the 100' setback) along the rear lot lines of proposed Lots 6-18 and 21-23;
- 2) A Boundary Line Survey being completed prior to submission of the Preliminary Plat;
- 3) The internal road names being approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the Preliminary Plat;

With some changes,²¹ the Section 1 Preliminary Plat was approved on 5/19/03, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The FCP being modified to reflect changes in layout and lot numbering; and

²¹ A portion of the lot numbering system had changed, and the area of **common open space** had been reduced to 1.27 acres and moved from where lots 41 & 42 were then proposed to between proposed Lots 30 and 51.

- 4) The balance of the 44.41 acres (or 15%) of common open space and large lot acreage being provided in future sections.

Subsequently, the Section 1 Phase 1 Final Plat was approved on 7/18/03, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The balance of the 44.41 acres (or 15%) of common open space and large lot acreage being provided in future sections;
- 4) An index sheet being included in the Record Plats;
- 5) The correct Election District being cited in the title block;
- 6) The Record Plat citing the common open space in one of the title blocks; and
- 7) The establishment of a Homeowners' Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation, with these-lot-owners becoming members.

A revised Section 1 Preliminary Plat was reviewed by the TAC on 8/6/03. It was generally consistent with the Concept Plat and the Section 1 Phase 1 Final Plat. It added 2.64 acres overall, altered the configuration and number of lots in Phase 2, and added 2 new proposed lots as Phase 3.

A revised Preliminary Plat for Section 1, Phase 3, Lots 58 & 59 was approved on 8/18/03, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The configuration of Phase 2 matching the configuration as shown on the approved preliminary plat, or the phrase "no revision proposed" being removed from Phase 2;
- 4) This section's required amount of forest retention being provided in subsequent sections and shown on subsequent forest conservation plans;
- 5) The approved Landscape Plan being revised to include Phase 3 and reflect lot line reconfigurations;
- 6) Site Data Note # 18 being revised to reflect the correct FEMA FIRM map number;
- 7) The block/grid number being added to the plat; and
- 8) The balance of the common open space and large lot acreage being provided in future sections.

That Preliminary Plat approval extended the validity of the 10/21/02 Concept Plat approval – from 10/21/04 until 8/18/05, per §4.0.9 of the Subdivision Regulations.

The Section 1 Phases 2 & 3 Final Plat was approved on 10/20/03, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Section One's required forest retention area being provided in subsequent sections;
- 4) Half of the common open space being provided on the Record Plat;
- 5) The acreages of proposed Lots 26, 27, 29, 41-42, & 59 being expressed in square feet on the Record Plat;
- 6) A Landscape Agreement being executed prior to recordation;
- 7) If a Homeowners' Ass'n. has not already been established, then a Homeowners' Ass'n. for maintenance of common open space and landscape islands being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation; and
- 8) The tax map, grid, and parcel numbers being included on the Record Plat.

The Section 2 Phase 1 Preliminary Plat²² was approved on 8/16/05 conditioned on:

²² It was generally consistent with the approved Concept, Preliminary and Final Plats. However, this plat includes a new stub road. The new stub road, proposed as Ayerle Court, does not drastically change the overall layout of the approved Concept Plat. In addition, the proposed Ayerle Court and proposed Lots 69-72, are proposed to be located in an area that previously was approved on the 10/21/02 Concept Plat as part of the large lot, Lot 98.

FTE	283	535	691
Capacity	308	540	689
% Utilization	92%	99%	100%

RECOMMENDATION:²²

~~RE: APPROVAL, conditioned on:~~

- ~~1) All previous and now pertinent conditions of approval remaining in full effect;~~
- ~~2) _____~~

CONCEPT PLAT REQUIRED INFORMATION:

- (xxxxx) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (yyyyy) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (zzzzz) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (aaaaa) Title information:
 - 31. Proposed name
 - 32. Scale of Plat
 - 33. Date
- (bbbbb) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (ccccc) North point.
- (ddddd) Boundary of proposed subdivision. This can be a deed plot.
- (eeeee) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (fffff) Location of existing utilities on or within 200 ft of the parcel.
- (ggggg) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (hhhhh) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (iiiiii) Zoning classification of tract.

14) Larson’s Wilna Farm’s, Lots 1-62, Concept Plat, Blue Ball Road, KCI Technologies, Inc., Third Election District.

Brian Morgan and Paul Goosman with KCI Technologies appeared and presented an overview of the project. Revisions have been made due to the PC disapproval. The revisions have included a loop road eliminating the need for a second cul-de-sac. Also, an adjustment in density requested was made. They have eliminated one lot to provide centrally located and accessible common open space between lots 51 & 61. There is .48 acres added to common open space. Mr. Morgan stated he received a letter from SHA stating they have reviewed the request for access to Blue Ball Road. They have no objection to them access MD 545 subject to their design approval. In regards to the previous issue with PECO ROW, they are still proposing to utilize that as COS. Lastly, Mr. Morgan mentioned the proposed T turnaround in the event that future access be necessary for the adjacent property.

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

1. It is understood that a private onsite water supply & distribution system is proposed for this development. This system must be designed to meet or exceed County standards and provide for adequate fire flow and pressure. The Department strongly recommends that the applicant have the serving fire company review the proposed design including fire hydrant locations & spacing.
2. This project is not located within a public water and public sewer service district in the Cecil County Master Water and Sewer Plan (MWSP). An amendment to the Cecil County MWSP will be required. If the Developer proceeds with engineering submittals to the Department of Public Works, before obtaining the required amendments to the MWSP, the Developer does so at their own risk.

3. Where do you intend to locate the water wells & treatment facility? Mr. Larson previously told Mr. Woodhull they were considering running the sewer to Herron Lake. These facilities must be identified on the preliminary plat submitted for TAC review.
4. Who will own & maintain the water supply & distribution system for this development? This information must be provided on the final plat.
5. There is no county sanitary sewer service in this area. What WWTP do you intend to access? If the applicant intends to connect to the proposed Villages at Herron Lake WWTP the applicant will be responsible for obtaining all required easements and the installation of the sewer main between the site and the proposed WWTP. The applicant is also responsible for all costs in doing so.
6. A SWM plan, Road & Storm Drain plan, a Water Treatment and Distribution system plan, a Sanitary Sewer System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The water and sewer system design must be submitted to the Department of Public Works and be approvable as to design by the Department prior to submittal for Final Plat Approval.
7. 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. Any SWM facility discharging on to SHA property will require review and approval from SHA. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc...) on down-gradient properties so impacted must be identified on the SWM Plans.
8. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s).
9. Stormwater conveyance easements where required must be identified on the final plat.
10. Do you intend to use the existing pond on Lots 41 & 42 to address SWM for this development? If any of the existing ponds are proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer's report addressing MD Pond 378 requirements must be submitted with the SWM plan.
11. Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial/Intermittent streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. Additionally, the stream crossing structure must be approved as part of the road system approval passing the 25 year storm without overtopping. A re-mapping of the 100-year flood plain onsite and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.
12. Why propose the horizontal road curved adjacent to Lots 1, 49, & 50? This was at the request of the developer. The curve needs to be removed or be justified.
13. Closed section road design is required per Section 2.07 of the Road Code. General Mackall Lane must have a 32' pavement width. Lucas Loyal Court from the intersection with General Mackall Lane to the PECO Power Company property must be a Minor Collector Road with 60' ROW and a 32' pavement width.
14. With the proposed connection to the PECO property the use of an intermediate turnaround adjacent to Lots 16-23 is not required by the Road Code.
15. Why is Lucas Loyal Way aligned at an angle to the property line? This may lead to awkward road geometry when the road is extended into the PECO property.
16. The horizontal curve adjacent to Lot 60 must comply with the minimum radius of 200' for minor road.
17. Where do you intend to access General Mackall Lane from Lot 62? They will utilize the existing driveway. The location adjacent to the proposed bridge may be impacted by guard rail.
18. Indicate the proposed disposition of existing structures and drives on Lot 62.

19. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 19.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 19.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 19.3 Requirements for Utility relocations.
- 19.4 Requirements for Public Works Agreements.
- 19.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 19.6 Requirements for County Roads.
- 19.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the streets & storm drainage constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Blue Ball Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Graham, Citizen’s Representative, read his comments. See file.

Mr. Di Giacomo also received comments. See file.

Ms. Latham, MDE, asked if KCI had contacted Herron Lake in regards to their interest in joining them. Brian said he had contacted both the county and Herron Lake but has not made any progress.

Ms. Latham suggested if they couldn’t connect with Herron Lake, they should start the process of getting the water appropriation permit.

Mr. Moore, DEH, asked if Herron Lake and the county say no to joining with them, where would they go from there. Mr. Moore doesn’t know at this point. Mr. Moore read the comments for the department. See attached.

Mr. Di Giacomo read the comments on behalf of SHA. See attached.

Mr. Di Giacomo stated on behalf of Mr. Markwardt, CCBBoE, bus service would be provided at General Mackall and Blueball Road. Students may be required to cross the road either in the morning or the afternoon depending on the direction the bus is traveling.

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

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

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

Zoning: SR

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities.

This Concept Plat proposes 62 lots, road right-of-way, and common open space on 47.097 acres, for a proposed density of 1.316/1.

General Note # 7 reveals that an extension of Cecil County sewer service is planned, as is a private, on-site water system. This property is not included in the Master Water & Sewer Plan.

Note # 1 indicates that a boundary line survey was previously performed. A copy must be submitted for the file prior to the TAC's review of the Preliminary Plat.

The previous submittal's Note # 1 also referred to the same previous survey. What, then, accounts for the change in acreage since the previous submittal? Mr. Morgan said the only change was the reduction of 6 acres but that was not a separate parcel. Mr. Di Giacomo said he doesn't believe that is the same change. Mr. Morgan stated that he would look into that.

Rezoning case # 2006-11 must be cited on the plat.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²⁴

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 Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.²⁵ 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.

²⁴ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

²⁵ 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 or the large lot, a JD need not be done.

Obviously, such permits will be required for the stream crossings. With the area's history of flooding, are there any other potential points of ingress and egress that would preclude the possibility of 62 households conceivably being stranded by flood waters? With the understanding that we wouldn't want to continue to use the existing lane, their thought is at least for emergency vehicle passage.

A number of proposed lots and common open space are depicted to have wetland and/or wetland buffer impacts.

The site contains no habitats of rare, threatened, and endangered species.

15% common open space is required; 22.1% 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. The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

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

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

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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 was approved on 5/19/06.

The FEMA 100-year floodplain boundary has been shown. Portions of the Little Elk Creek are depicted outside the floodplain boundary. How is that possible? The floodplain boundary is taken from the FEMA mapping. The FEMA mapping may be in error. This needs to be corrected

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

No proposed lots now appear to exceed the 3:1 length to width ratio established in §7.4.2. The proposed road names General Mackall Lane and Lucas Loyal Court have been approved.

Fire hydrant locations must be finalized in consultation with the Singerly Volunteer Fire Company and the Department of Public Works.

What is the proposed disposition for the existing structures on proposed Lot 62, including the barn that is partially within the PECO 75' clearing easement? It will remain.

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 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 (if so amended).

The Master Water and Sewer Plan must be amended to include this site prior to the Planning Commission's review of the Final Plat.

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

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

General Note # 7 indicates that the water supply will be provided by an on-site private system. That systems details, including wells, treatment facilities, and a storage tank, must be submitted with construction drawings to the Department of Public Works.

Verification of the proposed water system's capability of serving these proposed lots 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.

In conjunction with the aforementioned plan(s), the on-site private water system, including wells, treatment facilities, and a storage tank must be reviewed by DPW and the Health Department prior to Final Plat review.

All applicable provision of §175 of the Zoning Ordinance shall be adhered to.

Verification of sewer allocation must be received from the Department of Public Works prior to Final Plat review. The details of the method of disposal must be reflected on the Preliminary Plat.

A Traffic Impact Study (TIS) will be required. It must be completed prior to the TAC's review of the Preliminary Plat. SHA must verify sight distance.

The contiguous operating farm notice has been provided as General Note # 10.

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

'05 School information:	Elementary	Middle	High School
	Leeds	Cherry Hill	North East
FTE	400	559	1151
Capacity	374	700	1104
% Utilization	107%	80%	104%

RECOMMENDATION:

APPROVAL, conditioned on:

- 1) ~~The boundary line survey being submitted prior to the TAC's review of the Preliminary Plat;~~
- 2) ~~Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;~~
- 3) ~~A TIS being completed prior to the TAC's review of the Preliminary Plat;~~
- 4) ~~SHA owned land being identified prior to the TAC's review of the Preliminary Plat;~~
- 5) ~~Consideration being given to providing more centrally located and usable common open space prior to the TAC's review of the Preliminary Plat;~~
- 6) ~~—~~

CONCEPT PLAT REQUIRED INFORMATION:

- (jjjjj) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.
- (kkkkk) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.
- (lllll) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (mmmmm) Title information:
 - 34. Proposed name
 - 35. Scale of Plat
 - 36. Date
- (nnnnn) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (ooooo) North point.
- (ppppp) Boundary of proposed subdivision. This can be a deed plot.
- (qqqqq) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (rrrrr) Location of existing utilities on or within 200 ft of the parcel.
- (sssss) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (ttttt) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (uuuuu) Zoning classification of tract.

Mr. Morgan asked if a letter of map amendment or a letter of map revision is required for the FEMA floodplain that would be necessary before Preliminary. Mr. Di Giacomo said yes. In regards to COS, they are stating that 90 % of the 15 % required open space doesn't consist of perennial intermittent stream buffers, non tidal wetland. Is that adequate or do they want an individual breakdown? Mr. Di Giacomo said they would prefer an individual breakdown.

15) Fifty – Five Plus, Lots 1-42, Preliminary Plat, Town of Cecilton Courtesy Review, Rickards Street, KCI Technologies, Inc., First Election District.

Mr. Di Giacomo asked if any one was present from the town. There were no representatives from the Town of Cecilton. Brian Morgan with KCI Technologies appeared and presented an overview of the project. This project consists of 42 units with a mixture of semi-detached and townhouse dwellings. The property is in the R1 zone. They will be seeking an amendment to the incorporated into the

pardon overlay zone. The 42 units will be an age restricted community consisting of citizen 55 years of age or older. They are proposing 15 % open space required by the ordinance. In addition to the 42 units there will be a community center of approximately 2000 square feet. All units will have a garage.

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

1. The Department understands that the Town of Cecilton will own the water distribution and sanitary sewer systems in this development. The CCDPW recommends that the both systems, 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.
2. The roads will also belong to the Town of Cecilton, therefore the CCDPW recommends that they be designed to meet or exceed County Road Code standards. The Department recommends that the Town not allow the use of Lot 15's driveway as part of the proposed tee turnaround on Rickards Street.
3. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to the Department recommending that the Town approve the Final Plat for this development.
4. An Inspection & Maintenance easement must be provided around all proposed SWM BMP's.
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 5.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 5.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 5.3 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. Graham, Citizen's Representative, had no comments.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Di Giacomo read on behalf of Mr. Markwardt, CCBoE, students are in walking distance of Cecilton Elementary School, bus service for BoManor Middle and High School would be provided at current bus stops on West Main Street. Students may be required to cross the street either in the morning or afternoon depending on which direction the bus is traveling.

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

This subdivision is proposed in the Town of Cecilton. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns' corporate limits.

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

- Town Zoning: R1.
- It should be confirmed that the development as proposed is permitted by the Town's Zoning Ordinance in the R1 zone.
- The proposed street name, Sundance Loop, has been approved.
- Sidewalks are recommended.
- 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 R1 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 that may be present. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts or stream crossings prior to recordation.
- Any habitats of any rare, threatened, and endangered species should be avoided.
- It should be confirmed that the landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.
- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
- It is recommended that the Landscape Plan be approved prior to final subdivision approval. The Landscape Plan should be developed so as not to create any visibility or sight distance issues for bicyclists, pedestrians, or motor vehicle operators.
- It is recommended that a Landscape Agreement be executed prior to recordation.
- Cecilton has signed an "Assigning Obligations Under the Forest Conservation Act" agreement with the County. Therefore, OPZ will review and approve the FSD and the FCP for the Town. This is a Preliminary Plat and nothing has yet been submitted.

- It is recommended that this proposal not proceed until the FSD has been approved, and that any final plat not be approved until after FCP approval.
- It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works street code.
- It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations for both uses in the R1 zone.
- 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 amount of common open space proposed is consistent with the requirements of the Town's Zoning Ordinance and Subdivision Regulations for both uses in the R1 zone.
- It should be confirmed that the satellite area of common open space is allowed to meet the minimum requirements of the Town's Zoning Ordinance and Subdivision Regulations for both uses in the R1 zone.
- Of what benefit will the satellite area of common open space be to the future residents of the subdivisions and the Town? How would it be accessed by residents? The only access to the COS would be by a stump lane and the purpose would be for Forest Conservation.
- Although this is a Preliminary Plat, neither water lines nor well locations have been depicted. It should be confirmed whether or not this Preliminary Plat is deficient in that regard.
- Consideration should be given to soliciting review and comment by the Cecilton Volunteer Fire Company with respect to the development layout and any fire hydrant locations. In addition, consideration should be given to the installation of a dry hydrant at the stormwater management pond.
- Any fire hydrant/standpipe locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, and/or comments provided by the Cecilton Volunteer Fire Company.
- Water allocation should be confirmed by the Town of Cecilton prior to final approval.
- Sewer allocation should be confirmed by the Town of Cecilton prior to final approval.
- It is recommended that any necessary variance or special exception numbers be shown on the plat.
- It is recommended that the Election District information be added to the title block of the plat.

- It is recommended that protective fencing be considered around the stormwater management ponds.
- In the interest of reducing vehicle movement conflicts, strong consideration should be given to redesign, moving the tee turnaround to a location other than the driveway of proposed Lot 15.
- Although this is a Preliminary Plat, site plan-level details have not been provided for the proposed community center. It should be confirmed whether or not this Preliminary Plat is deficient in that regard.
- If not, then it is recommended that a separate Site Plan be approved for the community center prior to final subdivision approval.
- In the interest of maximizing safety and security, a lighting plan for the community center should be reviewed and approved prior to final approval.
- Given that this is proposed as an age-restricted project, are the proposed townhouses one-story, or two? If two, what is the rationale for 2-story townhouses in an age-restricted project? They will be a story and a half which will consist of single story dwellings with a loft area overhead.
- Consideration should be given to the installation of a bicycle racks near the proposed community center.

16) The Estates at Slicer's Mill, Lots 1-13, Preliminary Plat, Slicer's Mill Road, KCI Technologies, Inc., Sixth Election District.

WITHDRAWN

17) Lands of Johnson and Merriman, Lots 1-11, Concept Plat, Burlin and Rock Run Roads, Northern Bay Land Planning, Engineering and Surveying Corp., Seventh Election District.

Farron Pyle with Northern Bay and Ellie Johnson, owner appeared and presented an overview of the project. This is zoned NAR. Lot 11 is the area where there was an agricultural nursery operation at one time. This is a very viable agricultural operation. It is not in production right now. The existing Greenhouses are in excellent condition. There is an existing dwelling and garage that is a presently a rental. They are proposing another large lot on the Burlin Road side with 11.73 acres which could be a small agricultural operation. On both of the parcels, they will maintain force buffers along the roadways in order to preserve the rural character. The balance of the project they propose to serve through the county street off of Rock Run. The access to lot 1 would be off of Burlin and the existing access off of Waibel. In respect to SWM, there is a small stream that runs on the property line which may be considered.

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

1. 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.

2. Section 3.07.15 of the Road Code requires that Rock Run Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance location. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
3. Applicant must provide stopping sight distance measurements for the Rock Run Road access for the proposed street to DPW prior to preliminary plat submittal. The same applies to the proposed driveway access for Lot 1 whether on Rock Run or Burlin Roads? Please mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
4. Have you given any consideration as to how you will address SWM for this site? Yes.
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 5.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 5.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 5.3 Requirements for Utility relocations.
 - 5.4 Requirements for Public Works Agreements.
 - 5.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 5.6 Requirements for County Roads.
 - 5.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Liberty Grove Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Graham, Citizen's Representative, had no comments.

Mr. Moore, DEH, read the comments for the department. See attached.

Note: On Mr. Moore's comments, in the third paragraph, third sentence it should say "...and prior to final plat submission."

Mr. Di Giacomo, stated on behalf of Mr. Markwardt, CCBoE, bus service will be provided at the intersection of the development road to be named and Rock Run Road. Driveway service would be provided to lots with access to Waibel Road or Burlin Road. Students may be required to cross the road either in the morning or the afternoon depending on which direction the bus is traveling.

Mr. Di Giacomo, P&Z, read the comments for the department: This proposal was found not to be in full compliance with §3.8 of the Subdivision Regulations. Public notification signs on Burlin & Waibel Roads were missing.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Nowhere does this plat state that the density provision §2.4.1 are being invoked, but the statistics indicate that to be the intent. Proposed are 2 minor subdivision lots and 9 major subdivision lots on 47.49 acres, for a proposed density of 1/5.28. On lot 11, is there an access issue since there is not road frontage? No, there is an existing driveway.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²⁶

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.²⁷

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

15% common open space is required; 15.03% is proposed.

²⁶ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

²⁷ 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 or the large lot, a **JD** need not be done.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Burlin, Rock Run & Waibel Roads.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

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.

What is the intended disposition of existing structures? It is a rental right now. They will look at all options. They may sell it with the parcel.

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

	Bainbridge	Perryville	Perryville
FTE	279	705	1031
Capacity	465	753	1038
% Utilization	60%	94%	99%

CONCEPT PLAT REQUIRED INFORMATION:

(vvvvvv) Concept plats will be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified.

Incomplete concept plats will not be accepted by OPZ. Incomplete concept plats will be returned to the subdivider within 15 days of submission for completion and resubmission by the subdivider at a later date.

(wwwwww) A vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to the tax maps if only a part of the property is to be developed.

(xxxxxx) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.

(yyyyyy) Title information:

37. Proposed name

38. Scale of Plat

39. Date

(zzzzzz) Name and address of owner or person representing owner who is responsible for preparation of the plat.

(aaaaaa) North point.

(bbbbbb) Boundary of proposed subdivision. This can be a deed plot.

(cccccc) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).

(dddddd) Location of existing utilities on or within 200 ft of the parcel.

(eeeeee) The layout of all proposed and existing lots with appropriate dimensions and minimum area.

(ffffff) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.

(gggggg) Zoning classification of tract.

18) Woodlawn Farms, Lots 1-56, Concept Plat, Camp Meeting Ground & Principio Roads, McCrone, Inc., Seventh Election District.

WITHDRAWN

Meeting was adjointed at 4:30 p.m.

Respectfully submitted,

Jennifer Bakeoven

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, December 6, 2006, 9:00 a.m.
County Administration Building
107 North Street, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Moore, Joe (DEH), Latham, Cynthia (MDE), Kyte, James (FA), Graham, Daniel (CR), King, Butch (SHA), Bakeoven, Jennifer (CCP&Z)

Absent: Cwiek, Philip (USACoE), Ouano, Jun (Delmarva Power), Markwardt, Bob (CCBoE), Brown, Chris (CCSCS).

Mr. Di Giacomo called the meeting to order at 9:07 a.m.

1) Springhill, Section 2, Lots 5-18 and 23-24, Concept Plat, Ridge & Spring Hill Roads, American Engineering and Surveying, Inc., Sixth Election District.

Tim Granger with American Engineering and Surveying appeared and presented an overview of the project. This has been a long term project for the developer, Mr. Sherrard. The original Concept Plat was approved in 1998. No bonus density was sought at that time. There has been a series of minor subdivisions, add on subdivisions and also Section 1 was approved. At this time for density purposes they subtracted out all of the minor subdivisions that have been done to date. In 1997 there was a complete boundary survey done on the property therefore all of the acreage calculations are accurate. They are proposing a standard density of 1 du/5 acres which would permit a total of 21 lots then subtracting out the 5 lots from Section 1. This would leave 16 lots for Section 2. They are not proposing bonus density for this project. They believe all open space requirements have been met. They plan to request a reduction of ROW on the two 40' wide ROW cul-de-sac's proposed. They will have curbs and gutters.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. Natalie Way and Amber Court are indicated as private mini-roads on the plat. However, at the October 2006 TAC meeting you advised us that would be public and that you would seek a variance to Section R-14 of the Road Code due to the diameter of the cul-de-sac bulbs (100' shown vs. 150' required). Are they proposed as private or public? They will be county roads. Mr. Woodhull requested that they clarify the plat by taking off the ROW lines.
3. ~~If they are to be private mini roads they 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.)~~

4. The DPW requires a modified TIS be prepared for this development. The TIS must analyze the site generated traffic distribution pattern. Intersection & link analyzes will not be required.
5. 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 Amber Court & Natalie Way. They may be looking at additional upgrades to Spring Hill Road as they proceed along.
6. 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.
7. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 7.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 7.3 Requirements for Utility relocations.
 - 7.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 7.5 Requirements for Public Works Agreements.
 - 7.6 Requirements for Driveways.
 - 7.7 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
7. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Graham, Citizens Representative had no comment.

Mr. Kyte, FA asked about their plans regarding fire suppression. There is a pond that is estimated to be 1800 ft. below Amber Court but it is not a feasible pond for the department. Mr. Granger stated that with talking to the owner they have discussed two scenarios. They include putting in a dry

hydrant out to the pond or putting a suppression tank on the first cul-de-sac. Mr. Kyte said he would prefer it to be located at the entrance of Natalie Way. The only other issue that the department has is the condition of Slicer's Mill Road. Response will be through Slicer's Mill Road but this road is very narrow. This is a concern of the department. Mr. Woodhull stated that the DPW would be looking into this.

Ms. Latham, MDE, said a Water Appropriation Permit will be required for Final Plat approval.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE, read the comments for the department. See file.

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

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac.

The original Spring Hill Concept Plat proposing 19 lots on 98.501 acres for a density of 1/5.18, was 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.

Bonus density was not an issue.

The Section 1 Preliminary and Final Plats were approved on 4/19/99 and 8/16/99, respectively. Section 1 consisted of Lots 2 & 19-22.

Subsequently, another Spring Hill Concept Plat (for Section 2) for the remaining 14 lots was reviewed by the TAC on 3/7/01 and approved by the Planning Commission 3/19/01. It still showed an overall total of 19 lots (5 in Section 1 and 14 proposed in Section 2) on 98.501 acres.

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, but it expired because §4.1.17 stipulates that Preliminary Plat approvals are valid for two years – if a Final Plat is not recorded within that timeframe. Per §4.0.9, the 12/21/98 & 3/19/01 Concept Plat approvals have expired, as well.

Consequently, a Section 2 Concept Plat was submitted and reviewed by the TAC on 11/3/04. It proposed only 14 lots, which, if approved, together with Section 1's 5 lots, would have yielded an overall Springhill proposed density of 1/5.1842 -- 19 total lots on 98.501 acres. Bonus density again was not an issue, and that Section 2 Concept Plat was consistent with the original density, but it was not subsequently submitted for review by the Planning Commission.

This Section 2 Concept proposes 16 new lots. Its math in the “Acreage Data” and the “Density Data” appears correct. However, it is unclear how the original 98.501 acres grew to 105.528. While the original Concept Plat has expired, and there is no issue that 88.417 acres remain, nevertheless, it cannot be overlooked that if there were, and are, only 98.501 total acres, then 21 total lots would produce a bonus density of 1/4.69, contrary to the statement that no bonus density is requested. Their approval would also run contrary to the density provisions of the Zoning Ordinance and the Comprehensive Plan, and the expiration of Concept Plat approval would, in effect, be a convenient “end run” around those density provisions.

Analysis of the acreage data contained on the 10/17/02 Record Plat shows that the aggregate acreage of the Section 1 lots to have been 17.111. Combined with the cited 88.417 acres of remaining lands, then 105.528 acres can be achieved. Therefore, staff will support this proceeded to the Planning Commission, but a better, clearer job of tracking the original acreage needs to be done. If necessary, the Planning Commission may require a revision of the data section of the 10/17/02 Record Plat.

Why is Lot 1 included in the Lot Acreage Table? Lot 1 was an original minor subdivision that contained 25+ acres and at this point in time, they plan to add approximately 2 acres to Lot 1 and at the same time subtract approximately 2 acres from Lot 1. The 2 acres to be subtracted will be added to the Remaining Lands in the area of Lots 17 & 18 due to some good perc that was found in the area. Mr. Di Giacomo recommended to Mr. Granger that he not include that information in the lot acreage tables. That information should be in acreage data section of the plat.

3 panhandle lots are proposed – 1 of them with an extremely long and curving panhandle. Has any consideration been given to an alternative design, possibly with a looped road?

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

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

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 common open space must be labeled and referenced as such.

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.¹

The 100-year floodplain must again be shown on any Preliminary Plat.

¹ 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 or the large lot, a **JD** need not be done

The habitats of rare, threatened, and endangered species must be avoided.²

15% common open space is required. Based upon the total acreage figure of 105.528³ acres, a minimum of 15.829 acres is required; 29.447 acres are proposed.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Ridge, Spring Hill, and Slicer's Mill Roads.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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.

FSDs were approved on 2/9/99 & 3/15/99, and 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. Thus, if this should be approved, a new PFCP must be approved prior to the Planning Commission's review of any Preliminary Plat.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. Beforehand, all references to an "approved Bufferyard C" must be deleted from the plats.

A landscape agreement for the bufferyard and street trees must be executed prior to recordation.

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

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. All lot owners in Sections 1 and 2 must become 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.

² Previously, a Natural Heritage Service indicated that bog turtles "were known to occur downstream within the drainage area of the project site," and recommended that "appropriate sediment and erosion control measures be taken to minimize impact."

³ This figure is subject to future adjustment due to the add-ons to and from Minor Subdivision Lot 1.

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

School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Rising Sun	Rising Sun	Rising Sun
FTE	819.5	712	1129
Capacity	615	775	903
% Utilization	133%	92%	125%

Mr. Di Giacomo asked if sidewalks were proposed. Mr. Granger said it would be a standard road section with curbs. Mr. Di Giacomo stated that sidewalks are not recommended in the NAR or the SAR zone. Mr. Woodhull added that the DPW would support not having sidewalks. Mr. Granger added that they did receive the extension of the FSD.

2) The Estates at Autumn Ridge, Section 2, Lots 6 &7, Concept Plat, Shady Beach Road, American Engineering and Surveying, Inc., Fifth Election District.

Tim Granger with American Engineering and Doug Day, owner appeared and presented an overview of the project. Section 1 which was a minor subdivision was approved in 2003 which created Lots 1-5. The boundary survey is complete for this project in 2002. They are proposing a density of 3 lots on 24.7 acres which is 1 lot per 8.25 acres. No bonus density is requested. No open space is required. They are proposing a common driveway easement so there would only be one point of access for the 2 new lots.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Sight distance measurements will be required for the proposed shared driveway for Lots 6 & 7. The proposed driveway centerline location must be marked in the field.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 3.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 3.3 Requirements for Utility relocations.
 - 3.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 3.5 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA, had no comment.

Mr. Graham, Citizens Representative had no comments.

Mr. Kyte, FA, had no comments.

Ms. Latham, MDE, said if there are less than 10 lots, a Water Appropriation Permit is not required.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE, read the comments of the department. See file.

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

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

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

Zoning: NAR ("Section 1" was created by Minor Subdivision # 3420.)

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Proposed⁴ are 3 lots on 24.7436 acres, for a density of 1/8.25. Thus, bonus density is not an issue.

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

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

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

⁴ §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

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

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.⁶

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 and no sidewalks are recommended in the NAR zone.

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

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.

⁶ 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 or the large lot, a **JD** need not be done.

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

School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	812	1009
% Utilization	87%	116%	110%

3) Lands of Ronald R. and Sarah F. King, Lots 1-4, Concept Plat, Firetower Road, Will Whiteman Land Surveying, Inc., Sixth Election District.

Will Whiteman, Surveyor and Sarah King, owner appeared and presented an overview of the project. A boundary survey was performed on the property. They found it to be 25.511 acres of land. They are proposing 4 lots. Lot 1 consists of 6 acres with the existing dwelling and barn. Lots 2 conveyed to Mrs. Kings daughter. Lot 3 is to be retained by the owners and Lot 4 would be offered for sale. Lot 1, at sometime would be offered for sale. The density that they are requesting is 1du / 6.37 acres. Prior to submitting the plat for TAC they were having a problem with road frontage on Firetower Road. The Kings approached the county and have since been granted a variance although they have not had the case returned to us as of yet.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The proposed use of a Perpetual Road Maintenance Agreement (PRMA) to provide access to Lots 1 & 2 implies that these lots are to be conveyed to children or grandchildren of the property owner who would retain ownership of Lot 3. What right does Lot 4 have to use a PRMA serving the other lots? Lot 1 would have a separate easement from the PRMA. Lot 4 would use the existing driveway.
3. The deed language for Lots 1-4 must include the rights and responsibilities of each lot owner in relationship to the common access provided either by PRMA or easement.
4. ~~Sight distance measurements for the proposed Lot 4 driveway must be submitted to the DPW prior to presenting the preliminary plat to TAC for review.~~
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 5.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 5.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 5.3 Requirements for Stormwater Inspection and Maintenance Agreements
 - 5.4 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."

- b. Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA, had no comments.

Mr. Graham, Citizens Representative, had no comments.

Mr. Kyte, FA had no comment.

Ms. Latham, MDE, stated they do not require a Water Appropriation Permit for Final Plat.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE, read the comments for the department. See file.

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

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. This Concept Plat⁷ proposes 4 lots on 25.511 acres, for a proposed density of 1/6.38. Thus, bonus density is not an issue.

The Board of Appeals granted Variance request 3268 to permit the creation of lots on this parcel with less than minimum road frontage.

Lot 1 is invoking the §170.5 road frontage exemption.⁸ Proposed Lot 2 will utilize the Perpetual Road Maintenance Agreement to create a second lot without road frontage. The 20' wide access easement to Lot 4 across Lot 3 indicates that the existing lane will serve to access all four lots. If this is the situation, this should be noted on the plat and Lot 4 should be denied access to Firetower Road.

⁷ Minor subdivision eligibility has been exhausted by the approval of Minor Subdivisions (343-P.487), (676-P.501), (836-P.508), (1809-P.328, 553), (3024-P.616).

⁸ It permits lots being created around existing dwellings to be created without providing the minimum road frontage.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat⁹ for density calculation purposes.

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

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.¹¹

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 and no sidewalks are recommended in the NAR zone.

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

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. The adjacent properties' zoning has not been shown.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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

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

Per Note # 8, proposed Lots 1, 2 & 3 are invoking Forest Conservation Regulation exemptions per §3.2N (No new development – Lot 1) and §3.2K (Owner and Child's lot –Lots 2&3).

The FSD has been approved with the condition that the Natural Heritage Letter be submitted w/ the PFCP.

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

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

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

¹¹ 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 or the large lot, a **JD** need not be done.

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Per §4.0.13 (h), Belhaven Lane needs to be identified on any plat submitted to the Planning Commission.

A PRMA must be established 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.

School information:	<u>Elementary</u> Rising Sun	<u>Middle</u> Rising Sun	<u>High School</u> Rising Sun
FTE	819.5	712	1129
Capacity	615	775	903
% Utilization	133%	92%	125%

4) Lands of Gregory L. Walker and Danita M. Walker, 2 Lots plus Remaining Lands, Concept Plat, Old Elk Neck Road, Coastal Land Surveying, Inc., Fifth Election District.

Shane with Coastal Land Surveying and Greg Walker, owner appeared and presented an overview of the project. Mr. Walker owns parcel 351 and 385. Their intent is to add pieces of parcel 351 to 385 to make 2 lots for his children. The Remaining Lands would not be a building lot at this time. Both lots will have road frontage on Old Elk Neck Road. Both lots will be a minimum of 1 acre.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Sight distance measurements for the proposed driveways must be provided to the DPW prior to submitting this project TAC for preliminary plat review.
3. The Department would prefer to see a common driveway access point for the two lots along the property line between Lots 1 & 2.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 4.3 Requirements for Stormwater Inspection and Maintenance Agreements
 - 4.4 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA had no comments.

Mr. Graham, Citizens Representative had no comments.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE said that a Water Appropriation Permit would not be required.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, read the comments of the department. See file.

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

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 2 lots plus remaining lands on 10.0179 acres, for a proposed bonus density of 1/3.34.

Technically, this proposal does not qualify for bonus density consideration, pursuant to §22.2.c (1) & (2) – which require that a “large lot” constitute at least 60% of the acreage. The “remaining lands” do not satisfy that requirement, and since there is already an existing dwelling there, they should have been labeled as proposed “Lot 1.”

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat¹² for density calculation purposes.

It is unclear why signature blocks have been included on a Concept Plat.

General Note # 1 needs to add language about the add-on from P. 385 to P. 351 to create road frontage for proposed Lots 1 & 2.

General Note # 7 needs to be corrected. The front setback in the NAR zone is 40' except when there is frontage on a road that is functionally classified as an arterial or collector.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹³

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.¹⁴

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 and no sidewalks are recommended in the NAR zone.

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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

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).

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

¹³ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹⁴ 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 or the large lot, a JD need not be done.

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Covenants prohibiting the subdivision of any large lot must be recorded and noted on the plat 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.

School information:	<u>Elementary</u> Elk Neck	<u>Middle</u> North East	<u>High School</u> North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

5) Farmcrest VIII, Preliminary Resubdivision of Lot 79, Willard Drive, Will Whiteman Land Surveying, Inc., Ninth Election District.

Will Whiteman with Will Whiteman Land Surveying and Zachary Baeder, son of the Eugene Baeder, owner appeared and presented an overview of the project. Mr. Baeder is the owner of Lot 79 and it is approximately 5.5 acres of ground. He has 3 existing dwellings at the present time on the land. There are 3 existing septic disposal area, an existing well and there will need to be a new well on Lot 79. They would access Lot 79A by virtue of a PRMA. Since this is an existing situation, they would be requesting an exemption for SWM.

Mr. Woodhull, DPW read the comments for the department:
This re-subdivision appears to be for the purpose of creating lots around existing dwellings. If this is the case the Department has no comment.

Mr. King, SHA had no comments.

Mr. Graham, Citizens Representative had no comments.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE said a Water Appropriation Permit is not required for this project.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

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

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

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

Zoning: RR

Density: The RR zone permits a maximum base density of 1 du/ 5 ac. This proposed resubdivision of Lot 79 is in Section VIII (of IX) of Farmcrest, whose files date back to 1977. Those sections were recorded between 1977 and 1994.

The Concept density, or full build-out, for Farmcrest was established at 100 lots by the Planning Commission in October, 1979. In February, 1982, the Planning Commission reaffirmed the Concept density, stated in terms of the number lots: 100.

Because Concept Plat densities that were approved prior to 7/25/89 remain valid, the crucial test for this proposal is the number of existing Farmcrest lots. Staff finds that Lot 37B would count as the 96th lot, and that Lots 65B – 65D would count as the 97th through 99th lots. If approved, therefore, proposed Lot 79A would be the 100th and final lot.

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

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

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.¹⁶

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

¹⁶ 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 or the large lot, a **JD** need not be done.

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

Common open space has already been provided.

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Where feasible and necessary, the natural vegetative equivalent may be used to satisfy any bufferyard 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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

If approved, this lot's owners must become members of the Homeowners' Association that was established for maintenance of common open space, with \$50 being 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.

School information:	Elementary	Middle	High School
	Calvert	Rising Sun	Rising Sun
FTE	321	712	1129
Capacity	304	775	903
% Utilization	106%	92%	125%

Mr. Whiteman asked Mr. Di Giacomo if a FSD is still required even though the property is going to a son. Mr. Di Giacomo asked if the exemption was requested. Mr. Whiteman said it wasn't shown on the plat. Mr. Di Giacomo said it qualify for the exemption.

6) Providence Reserve and Lands of Terrill O. Stammler, Lots 1-23 and 1-6, Concept Plat and Revised Concept Plat, Rising Sun Road (MD 273) and Charles Johnson Farm Lane, P.E.L.S.A Company, Inc., Sixth Election District.

Mike Paraskevich with P.E.L.S.A., Terrill Stammler owner/ applicant and Mr. Williams, Rep. for the sellers appeared and presented an overview of the project. Mr. Paraskevich started with addressing the major concerns that were brought forth to them. This is two combined subdivisions that originally were presented independently. One came in as a mini road subdivision under Cecil County standards. The other was going to be 23 lots not connecting the two projects. The TAC and PC disapproved that concept wanting to see an interconnecting between the two developments. They also had some issues with the entrances and safety. A looped road was recommended which has now been created. This will also contribute to the safety concerns for emergency vehicle access. They are proposing a monumental entrance. They are suggesting a wide commercial type entrance to assist in access for the snow plows and emergency vehicles. They have reduced the flag shape lots by 2. They revised the open space where they have a connector now. Their open space will connect with Mount Rocky open space. They have eliminated the stream crossing. They have also eliminated the second entrance. They have also revisited the statement that was made at the PC meeting regarding the guest house on Lot 8. They have revised that to call it an in-law suite. The Eckroade's received a permit for that building 6 or 7 years ago.

Mr. Woodhull first remark what a well revised layout this has become.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. If the existing pond on Lot 8 is proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer's report addressing MD Pond 378 requirements must be submitted with the SWM plan.
3. The minimum horizontal curvature radius for a Minor Road is 200'.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 4.3 Requirements for Utility relocations.
 - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 4.5 Requirements for Public Works Agreements.
 - 4.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be

considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizens Representative asked Mr. Paraskevich specific questions to the plat. He also commended them on moving the road as to not cross the stream. This was a major concern of some of the neighbors.

Mr. Kyte, FA asked what the elevation of the road to pond will be. Mr. Paraskevich said it would roughly be a few feet. Not much elevation. The FA would like to see a small pull off there and at least a dry hydrant put within 8 ft of the pull off.

Ms. Latham, MDE said that a Water Appropriation Permit is required for Final Plat.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

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

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

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

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 5 ac. This Concept Plat invokes the density provisions of §2.4.1 to propose 5 minor & 18 major subdivision lots on 91.8 acres, for a proposed major subdivision density of 1/5.1. Thus, bonus density is not an issue.

The adjacent Stammler Concept Plat was approved by the Planning Commission on 10/16/06, conditioned on:

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) All necessary Bufferyards A being shown on the Plat prior to the TAC's review of the Preliminary Plat;

- 4) A setback modification being granted for the existing dwelling on proposed Lot 1; and
- 5) Consideration being given to designing roadway connectivity to the adjacent proposal into the layout.

This proposal, if approved, would, in effect, revise the layout of the adjacent Stammler approved Concept Plat. Inasmuch as proposed Lot 4 on the Stammler proposed accesses Reserve Circle due to the combined submittal.

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

The Lot Area Table does not account for the roadway or common open space acreages, and it does not aggregate acreages.

It was pointed out in Oct. & Nov. TAC reviews that since Terrill O. Stammler, Jr. was the applicant, and since Mr. Stammler had submitted another subdivision proposal on the adjacent property, it was questioned, why, under those circumstances, a unified proposal had not been submitted that would allow for an improved, unified layout with more accessible and centrally-located common open space and a looped road.

This submission includes a redesigned layout that proposes looped roadway connectivity to the lands of Stammler with a single, combined boulevard-style monumental entrance, thus avoiding a roadway stream crossing for a second entrance.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁷

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.¹⁸

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

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

15% common open space is required; a combined 14.99% is proposed. Unless a minimum of 15% common open space is proposed, this design cannot be approved.

All proposed "common open space" must be consistently labeled and referenced as such.

¹⁷ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹⁸ 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 or the large lot, a **JD** need not be done.

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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 required 100' building setback from MD Route 273 has now been cited, but not shown on the plat for Proposed Lot 1.

The Lands of Clamp are shown to access the proposed looped road. Note # 16 indicates that Charles Johnson Farm Lane is to be abandoned.

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

The Providence Reserve FSD was conditionally approved on 11/3/06. The Natural Heritage Service Letter must be received prior to PFCP review. The Stammler FSD was approved on 10/2/06.

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

6 total panhandle lots are proposed, not counting the Clamp parcel.

The Reserve Circle road name 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.

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

School information:	<u>Elementary</u> Rising Sun	<u>Middle</u> Rising Sun	<u>High School</u> Rising Sun
FTE	819.5	712	1129

Capacity	615	775	903
% Utilization	133%	92%	125%

7) Nieve’s Property, Lots 1-41, Concept Plat, Bohemia Church and Worsell Manor Roads, Century Engineering, First Election District.

Bob Bathurst with Century Engineering and Ed Nieves, owner appeared and presented an overview of the project. This project was presented at last months TAC meeting. They have brought a revised plat with the recommendation made by the Committee. This is a subdivision of 2 parcels, 42 & 27. This property has zero minor subdivision potential remaining. Parcel 42 consists of 50 acres while parcel 27 has 283 acres for a total of 330.58 acres. This allows for a density of 41 lots.

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

1. 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.
2. A Traffic Impact Study will be required for this development.
3. A protocol 3 road condition survey & road improvements plan for Worsell Manor Road, from Bohemia Church Road to MD 282, must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements.
4. Section 3.07.15 of the Road Code requires that Worsell Manor Road be upgraded to a Minor Collector Road or equivalent standard for 100’ either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
5. The applicant must provide stopping sight distance measurements for the Worsell Manor Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
6. Lots 1-3 are denied direct access to Worsell Manor Road and must be so indicated on the final plat and final lot grading plan.
7. The entrance island proposed severely blocks normal driveway access to Lot 1. The road plans must address this issue as well as entrance geometry issues to the satisfaction of the Department.
8. The minimum horizontal curvature radius for a Minor Road is 200’. The proposed road geometry adjacent to Lots 36-39 and Lots 2-20 must comply.
9. Have you given any consideration as to how you will address SWM for this site?
10. If any of the existing ponds are proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer’s report addressing MD Pond 378 requirements must be submitted with the SWM plan.
11. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 11.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 11.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 11.3 Requirements for Utility relocations.
 - 11.4 Requirements for Public Works Agreements.
 - 11.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 11.6 Requirements for County Roads.

11.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving the County road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizens Representative asked if they had considered placing a bridal path from Bohemia Church Road to Route 282. Mr. Bathurst stated that the adjoining neighbors are welcomed to call him regarding this request. See file.

Mr. Kyte, FA stated that the location of the fire suppression tank in the C.O.S. is a good location. Streets with no sidewalks proposed but there will be shoulders. Lastly, during construction they will need to mark all of the corner roads so the Fire Department can find their way around in case of an emergency.

Ms. Latham, MDE stated that a Water Appropriation Permit will be required for Final Plat.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

Mr. Di Giacomo, P&Z read the comments for the department:
Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. This Concept Plat proposes 41 lots on 330.58 (was 332.578) acres, for a proposed bonus density of 1/8.06. Thus, bonus density is not an issue. What is the basis for the acreage reduction? They did a deed mosaic working off of the deeds. In the main deed for Lot 27 there are add on's and subtractions that tie back to McCrone survey that was not a recorded plat. They adjust accordingly.

It is unclear if Parcel 42 is coterminous with proposed Lot 41; however, parcel 42 is shown to consist of 50 acres, while Lot 41 is proposed to consist of 48.32 acres.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁹

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.²⁰

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

A minimum of 15% common open space is required; 16.92% is proposed. The 16.8% cited on the plat can be arrived at only by using the previous gross acreage – 332.578.

What is the rationale for the division line in the common open space adjacent to proposed Lot 27?

This is a public access easement for the SWM.

The details the proposed barn, paddocks, and arenas, as required in Appendix A of the Zoning Ordinance, must be submitted with the Preliminary Plat. Would these facilities be open to the public? No, they will be private.

¹⁹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

²⁰ 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 or the large lot, a JD need not be done.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Bohemia Church and Worsell Manor Roads.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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.

Parcel 42 and part of 27 are currently in MALPF districts. MALPF termination documentation must be recorded prior to the Planning Commission's review of the Final Plat.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Lot 2 exceeds the 3:1 length to width ratio established in §7.4.2.

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

Has any consideration been given to roadway connectivity to the Merrill Lynch property to the south?
No.

Given the 27-lot subdivision proposed on the adjacent Merrill Lynch property, a Traffic Impact Study (TIS) may be required to be completed prior to the TAC's review of any Preliminary Plat.

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

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

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

If the 2 proposed cul-de-sacs are intended as private mini-roads, then Mini-road Maintenance Associations for maintenance of the mini roads must be established prior to recordation, with the owners of all lots accessing the mini-roads 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.

School information:	<u>Elementary</u> Cecilton	<u>Middle</u> Bo Manor	<u>High School</u> Bo Manor
FTE	306	513	717
Capacity	295	-----1244-----	-----
% Utilization	104%	99%	99%

8) Lands of John R. Harrison, Lots 12, 13 & 4A, Concept Plat, Welder’s Lane, Coastal Land Surveying, Inc., First Election District.

Shane Granger with Coastal Land Surveying, Inc. appeared and presented an overview of the project. This property was originally approved for a Concept in August of 2002. It was approved for 9 lots including an existing dwelling. A one year extension was granted in August 2005. In October 2006, Mr. Harrison realized that it had expired in August of 2006. Mr. Granger recognized that the members of the TAC did not have a complete presentation of the plat regarding this project. Mr. Di Giacomo advised Mr. Granger that a complete plat needs to be submitted for the Planning Commission. Mr. Granger stated that the copy of the plat that was presented was an exact duplicate of the plat that was approved in August 2002 and the extension that was granted in August 2005.

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

1. All of the Department’s comments from the August 16, 2004 Planning Commission hearing on this concept remain applicable. With the Chairman’s permission, the Department will not re-read these comments, rather we will make these comments part of the record by reference alone.
2. 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.
3. The cul-de-sac bulb on Creek Lane is in noncompliance with Standard R-14 of the Road Code. This Standard requires a 75’ radius for the cul-de-sac bulb.
4. Remove the line between the Rights of Way for Welders and Creek Lanes.
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 5.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 5.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 5.3 Requirements for Utility relocations.
 - 5.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 5.5 *Requirements for Public Works Agreement.*
 - 5.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the road & storm drain work.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA had no comments.

Mr. Graham, Citizens Representative had many comments from various citizens. See file.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE stated that a Water Appropriation Permit was already on file. Nothing further is needed at this time.

Mr. Moore, DEH read the comments for the department with a few modifications. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE, read the comments for the department. See file.

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

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

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

Zoning: SAR & RCA (Critical Area)

Density: The RCA overlay zone permits a density of 1 du/ 20 ac.

The SAR zone currently permits a maximum base density of 1 du/ 8 ac.

The title block indicates that this Concept Plat is proposing the creation of lots 4A, 12 & 13. However, General Note 1 and the Proposed Lot Areas table indicate nine (9) new lots and a re-

subdivision of a tenth. This confusion must be eliminated on any Concept Plat that might be submitted for Planning Commission review.

The proposal may or may not be creating 10 new lots on 145.865 for a proposed density of 1 dwelling unit per 14.59 acres. The SAR zone has a base density of one (1) dwelling unit per eight (8) acres. Bonus density is not being sought. The dwelling on Lot 5 in Smith Creek must be included in density calculations for this deed parcel bringing the overall density to 1 dwelling unit to 13.26 acres.²¹

The Proposed Lot Areas table suggests that 3 lots are proposed in the Critical Area portion of the property. However, without a complete plat this is impossible to verify. If this is indeed correct, 3 lots²² are proposed on 104.351 acres in the Resource Conservation Area (RCA) portion of the site for a proposed density of one (1) dwelling unit per 34.78 acres. The RCA permits a density of one (1) dwelling unit per twenty (20) acres.

The Proposed Lot Areas table indicates that Lots 6, 7, 8 and 11 are part of this submittal. However, the plat omits Lots 6, 7, and 8 in their entirety and only includes a portion of Lot 11. This sloppiness is intolerable and cannot be carried over to the concept plat submitted for the Planning Commission's review. Either the missing lots are part of this concept plat or they are not part of it. Either Lot 11 is a part or it is not a part. Partial inclusion is not acceptable nor is a misleading title block.

The Site Data tax map information must be changed from 10 to 58 to accurately reflect the correct tax map.

The Site Data parcel information needs to include Parcel 77.

Pursuant to §4.0.13(n), the 110' buffer needs to be shown and expand where appropriate.

Per §4.0.13(n), the acreage of the site within the Chesapeake Bay Critical Area needs to be included on the plat.

Per §4.0.13(n), all habitat protection areas that may occur on or in the vicinity of the proposed subdivision must be included on the plat and disturbance must be avoided.

Any Concept Plat submitted for Planning Commission review cannot contain these errors, omissions and other contradictory information. Any plat of such quality submitted for Planning Commission review will not be placed on the December agenda or reviewed, and it will be returned to the preparer.

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

A previous Concept Plat for this portion of the property was approved by the Planning Commission on 8/19/02. A one year extension was granted of the concept plat on 8/16/04, and a subsequent one year extension was granted on 8/15/05. It was allowed to expire in August 2006.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices

²¹ 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 pertain to Lot 5 of Smith Creek.

²² Proposed Lots 11, 12 & 13 are situated in the Critical Area, and each individually exceeds 20 RCA acres.

shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²³

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.²⁴

The habitats of rare, threatened, and endangered species must be avoided. A sensitive species survey must be done prior to TAC review of the Preliminary Plat for the 9 possible threatened and endangered species.

With 14 lots, why has no common open space been proposed? Mr. Granger did not know.

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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).

An Environmental Assessment will need to be reviewed and approved prior to Planning Commission review of a Preliminary Plat. (§4.1.23(h))

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

²³ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

²⁴ 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 or the large lot, a **JD** need not be done.

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

The Creek Lane road name had been previously disapproved by DES. Therefore, a new name will need to be submitted and approved.

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

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.

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 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.

The areas of steep slopes have been labeled on the plat. However, their extent must be shown on the plat submitted for Planning Commission review per the requirements of §4.0.13(n) 1 of the Cecil County Subdivision regulations.

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, 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.

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

School information:	<u>Elementary</u> Cecilton	<u>Middle</u> Bo Manor	<u>High School</u> Bo Manor
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	104%	99%	99%

9) Highland Crossing, Lots 1-71, Concept Plat, Ridge Road, Morris & Ritchie Associates, Inc., Sixth Election District.

Fred Sheckles with Morris & Ritchie Associates appeared and presented an overview of the project. This is a 213 acre site. It is proposed to include 70 units plus the existing residents to remain. The site is planned to have water and sewer service by individual well and septic located on the lots.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. Stone Run is a Use III-P stream and as such the SWM plan must address thermal impacts generated by runoff from this site.
3. A Traffic Impact Study will be required for this development.
4. Ridge Road, providing access to this development is a tar & chip road approximately 19' wide. With the addition of 70 lots the Department believes that Ridge Road is inadequate to handle the additional traffic loading without some form of improvements. Therefore the applicant shall perform a protocol 3 road condition survey & road improvements plan for Ridge Road from Spring Hill Road to Red Pump Road. This must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements.
5. With the proposed extension of Boyds Road to Slicers Mill Road the Department has the same concern for Slicers Mill Road. Therefore the applicant shall perform a protocol 3 road condition survey & road improvements plan for Slicers Mill Road from the proposed Boyds Road intersection to MD 276. This must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements.
6. All ROW for this extension must be obtained by the applicant and at the applicant's expense. Has the applicant obtained the necessary ROW to extend Boyds Road to Slicers Mill Road? Mr. Sheckles did not know.
7. The proposed Boyds Road extension must be built to a minor collector road or equivalent standard and the existing section must be improved to match.
8. Pre-design geotechnical evaluation and borings along the proposed road perennial stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street subgrade placement. Additionally, the stream crossing structure over Stone Run must be approved as part of the road plan approval passing the 25 year storm without overtopping. A re-mapping of the 100-year flood plain onsite and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.
9. Please clarify the location of the proposed intersection of Boyds Road at Slicers Mill Road.
10. Does the applicant in fact own both sides of Ridge Road, from Minns road to Boyds Road, allowing the 60 fee simple dedication identified on the plat?
11. The applicant must provide stopping sight distance measurements for the proposed Ridge Road, Boyds Road, & Slicers Mill Road intersections to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field.
12. The minimum horizontal curvature radius for a Minor Road is 200'.
13. If any of the existing ponds are proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer's report addressing MD Pond 378 requirements must be submitted with the SWM plan.
14. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 14.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 14.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 14.3 Requirements for Utility relocations.
 - 14.4 Requirements for Public Works Agreements.
 - 14.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 14.6 Requirements for County Roads.
 - 14.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving the County road may not exceed 5% within the limits of the intersection right-of-way. Section 3.07.15 of the Road Code requires that Ridge Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizen's Representative read many comments in regards to the traffic impact, the overcrowding of the schools and the possibility of contaminated land. See file.

Mr. Kyte, FA stated that if this project is not annexed into the town the FA would like to see a dry hydrant in possibly both ponds or a fire suppression tank off of Birch Run Road. Also, at least 4 parking spaces off the street per house.

Ms. Latham, MDE stated that a Water Appropriation Permit will be needed as well as aquifer testing and public notice for final plat approval.

Mr. Moore, DEH asked Ms. Latham to explain what is involved with the review on water supplies and wells. Ms. Latham explained when they receive the application from the developer and get county sign off to make sure that it was consistent with County Planning and Zoning, MDE would then send the developer a package of what they require. This package would include forms for public notice, the aquifer testing procedures and the hydra geologic evaluations. Once MDE received all of the forms back and the analysis ran, they would conduct a review of the project. The people notified of the project would go on an interested persons list. Everyone on the list would be notified of the opportunity for a hearing. It would also be advertised in the Cecil Whig. Mr. Moore asked if MDE would consider drought conditions. Ms. Latham said yes.

Mr. Moore, DEH read the comments for the department. See attached. Mr. Moore added the following comments to his comments attached. The following comment is in relation to the comments regarding percolation test and soil evaluations;
DEH uses monitoring wells to determine when they start testing. Most of the soils in the area of these lots are anytime testing but he would suggest that most subdivisions are testing during the wet weather season.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

Mr. Di Giacomo, P&Z read the comments for department:
Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 71 lots on 213.53 acres, for a proposed bonus density of 1/3.01.

It appears that this proposal meets bonus density eligibility requirements; however, there are serious inconsistencies in the acreage figures provided. For example, Site Data Note # 9 shows that 75.28 acres of common open space are proposed, while the Project Summary Chart represents the figure as 75.47 acres. What's more, neither figure would result in the 131.60 open space acres cited when added to the proposed large lot's 56.14 acres.

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

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

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 water quality management area is depicted partially within the perennial stream buffer and 100-year floodplain. The stream is depicted outside the 100-year floodplain, so has the floodplain boundary been verified?

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

A 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.²⁶

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

15% common open space is required; approximately 35% is proposed.

Is Minns Road located in what would be common open space? If so, then does the current C.O.S. acreage take into account the required reduction for Minns Road? Who will have maintenance responsibility for Minns Road? Mr. Sheckles did not know.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Boyds and Ridge Roads.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

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.

²⁶ 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 or the large lot, a **JD** need not be done.

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.

Documentation of all necessary easement agreements with the Susquehanna Power Company will be required prior to the Planning Commission's review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of 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.

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

School information:	Elementary	Middle	High School
	Rising Sun	Rising Sun	Rising Sun
FTE	819.5	712	1129
Capacity	615	775	860
% Utilization	133%	92%	125%

10) Ridgley Forest, Courtesy Review for the Town of North East, Tentative Site Plan, Morris & Ritchie Associates, Inc., Fifth Election District.

Fred Sheckles with Morris & Ritchie Associates and Dan Whitehurst appeared and presented an overview of the project. This site plan has been submitted to TAC as a courtesy review by the county. Since the last review by the county this has been annexed into the Town of North East. This site is 196 acres. They are proposing 628 units. This site will provide a mix of single family townhouses and duplexes in conformance with the town code. Public water and sewer will available for this site. They are in the process of revising the traffic impact analysis for submittal for the town, the county and SHA.

Mr. Woodhull asked Mr. Sheckles if the process of annexation has been completed. Mr. Sheckles said it is still in the referendum period. Mr. Whitehurst said it should be finalized around December 26, 2006.

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

1. The Department understands that the applicant is seeking annexation of this site into the Town of North East. If this occurs the Town of North East will own the water distribution system and internal streets 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. All easements for the water lines must be reflected on the final plat. Road & storm drain plans should meet or exceed County standards. We recommend that the Town not approve the final plat until receiving confirmation from CCDPW that all County approvals have been issued.

2. This proposal for 628 dwellings is a significant departure from the 345 dwelling units previously approved by the County Planning Commission. As such the CCDPW will require a new submittals package for the sanitary sewer, SWM, and offsite road improvements plans associated with this proposal. The entire package stands or falls as a whole therefore we won't recommend approval of the final plat to the Town of North East until the entire package is acceptable to the Department.
3. With the increase of 283 ELU proposed the sanitary sewer plan must include an analysis of the existing sewer main from Mauldin Avenue to the point of connection to this site to determine adequacy of the existing line. 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.
4. A public Sewer allocation was granted for 345 ELU's on August 7, 2005. However a new allocation will have to be requested for the proposed 628 ELU. A benefit assessment will apply to all residential building permits issued as a result of the 'Mauldin Avenue Sewers' project improvements within the North East Sanitary Subdistrict.
5. Previously two (2) onsite sewer pumping stations were proposed. MDE permits for the onsite sewer pumping stations must be issued before final construction drawing approvals and before the Department can sign the final plats for recordation. Where are you in the processes of obtaining MDE approval?
6. With the increase in dwellings to 628 the Department will require a re-evaluation of the offsite improvements required for Mechanics Valley Road. Therefore a Protocol 3 road Condition Survey & Road Improvement Plan will be required for Mechanics Valley Road, from MD Route 7 to MD Route 40. A public works agreement and monetary surety for the required improvements shall be provided prior to the CCDPW approving any plans for this project.
7. We will also require a TIS be submitted for the same reason.
8. Six of 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 variance request to use 50' radii vs. the standard 75'.
9. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 9.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 9.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 9.3 Requirements for Public Works Agreements.
 - 9.4 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. A Public Works Agreement is required for the public sewer system construction and all offsite road improvements to Mechanics Valley Road.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizens Representative read comments from Ms. Gatchell regarding issues affecting her water supply and the cutting of brush on her property. See file.

Mr. Kyte, FA remarked that he received no input from the North East Fire Department. Mr. Kyte asked that they consider putting 3-4 spaces per house to keep the cars off of the street.

Mr. Di Giacomo asked Betsy Vennell, representative for the Town of North East if the town had any comments. She stated she did not have any comments.

Ms. Latham, MDE stated a Water Appropriation Permit is not required if the public water supply is available.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

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

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.

This same project was previously reviewed by the TAC as a courtesy to the Town in January 2004. It then preceded though the County's subdivision review and approval process, as follows:

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.

The Preliminary Plat (also proposing 364 lots on 196.86 acres) was approved on 6/21/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Master Water & Sewer Plan's being amended to include this project in its entirety
- 4) Documentation of Water Allocation being received from the Town of North east prior to Final Plat review;
- 5) Sewer capacity being confirmed by the Department of Public Works prior to Final Plat review;
- 6) The TIS recommendations being agreed to prior to Final Plat review;
- 7) An area table being included on the plat prior to Final Plat review;
- 8) All lot dimensions conforming to minimum requirements;
- 9) Revised plat with topo information being submitted to the Office of Planning and Zoning prior to the submission of a Final Plat; and

10) Sidewalks being included on both sides of all internal roads.

The Section 1 Final Plat for 132 lots was approved on 1/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Record Plats containing the 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;
- 4) The Record Plats also containing the statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale;
- 5) A Landscape Agreement being executed prior to recordation;
- 6) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the record plat; and
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

If these lands are not annexed into the Town, then these comments shall be moot, and the project's plats shall continue to be submitted for review under the County's subdivision review and approval process. With that caveat, the Office of Planning & Zoning's comments and questions relating to this Plat are as follows:

- Town Zoning: Proposed R-4
- Unless the Town's subdivision regulations allow for "Tentative Site Plans," it is recommended that the plat be retitled to the more conventional Concept or Preliminary Plat.
- This now shows connectivity to the adjacent Courts of Mallory to the west and a stub to Parcel 1172 to the east.
- A revised Traffic Impact Study (TIS) is strongly recommended. The new, higher density will generate a higher number of trips. In addition, more development has been proposed since the original TIS was conducted.
- 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-4 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.
- 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 consistent with the Town's Zoning Ordinance and Subdivision Regulations, as well as any comments by the North East Volunteer Fire Company.
- 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 racks.
- It is recommended that final subdivision plat approval be coordinated with SHA entrance design approval – especially with the additional dwellings proposed.
- A revised Traffic Impact Study (TIS) is strongly recommended. The new, higher density will generate a higher number of trips. In addition, more development has been proposed since the original TIS was conducted.
- The original TIS cited the need for a number of improvements, including the signalization of the MD 7/Mechanics Valley/Cemetery Roads intersection. Preliminary Plat TAC review revealed the need for addition study of, and recommendations for, Mechanics Valley Road.
- A condition of the County Planning Commission’s Preliminary Plat approval, such recommendations must be received and agreed to prior to the Final Plat review for any Phase of the project. Therefore, the revised TIS should tie up those loose ends.
- It is requested that the Town hold the developer to previously agreed-to financial contribution to the County’s portion of all improvements.
- It is recommended that a street lighting road plan that emphasizes pedestrian safety and security be submitted.
- It is recommended that any variance numbers be shown on the plat.

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	812	1009
% Utilization	87%	116%	110%

11) Scott Gardens, Phase II- Lots 6-26, 38-55 & 60-66, Courtesy review for the Town of Charlestown, Preliminary Plat, Morris & Ritchie Associates, Inc., Fifth Election District.

Fred Sheckles with Morris & Ritchie and Matt Costa, Land Development Manager for the Lanar Corp. appeared and presented an overview of the project. Phase II represents the completion of an existing subdivision with in the Town of Charlestown. Phase II is 47 single family lots in the R-1 zone. It is served by public water and sewer. This Preliminary Plat has been approved by the town’s Planning Commission and they have also received conditional final plat approval from the town.

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

1. The Department understands that the Town of Charlestown will own the water distribution system, the sanitary sewer system, and the internal streets in this development. The CCDPW

recommends that the sanitary sewer & water distribution systems, 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. All easements for the water lines must be reflected on the final plat. Road & storm drain plans should also meet or exceed County standards.

2. The CCDPW no longer reviews SWM plans for the Town of Charlestown.
3. Sanitary sewer allocation must be requested for the dwellings in this phase.

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizen's Representative had no comments.

Mr. Kyte, FA asked if they had any comments from the local fire department on parking spaces, etc. Mr. Sheckles said they have not yet but it does have to go to the Fire Chief for review. Mr. Kyte emphasized the importance of adequate parking spaces so to not have issues with cars on the street.

Ms. Latham, MDE stated that since is project has public water a Water Appropriation Permit is not required. Also, MDE has confirmed that the Town of Charlestown has excess appropriation for this project.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, read the comments of the department. See file.

Mr. Di Giacomo asked if a representative for the Town of Charlestown was present.

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

This subdivision is proposed in to be 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.

Another proposal was reviewed for this parcel for 67 lots on 5/5/99; Lots 1-5, 27-37 & 56-59 are the same. This project was also reviewed by the TAC in November 2004 under County codes and regulations. That Concept Plat was never subsequently approved by the Cecil County Planning Commission.

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

- It is recommended that it be confirmed that the Town's Subdivision Regulations allow for basically starting review of a project of this magnitude at the Preliminary Plat level.
- A Traffic Impact Study (TIS) may be required by SHA. If so, then it is recommended that it be completed prior to the Charlestown Planning Commission's review of the Preliminary Plat.
- Current Zoning: R-1

- It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance for the R-1 zone.
- 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.
- 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.
- It is recommended that the JD be completed prior to the Planning Commission's review of the Preliminary Plat.
- Areas of steep slopes are depicted in common open space, roadway rights-of-way, and portions of a number of proposed lots. It is recommended that dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices should be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.
- 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 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.*"
- 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. However, an FSD has not yet been submitted. It is recommended that a Concept Plat not be approved until the FSD has been approved.
- The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. However, a PFCP has not yet been submitted. It is recommended that a Preliminary Plat not be approved until the PFCP has been approved.
- The final Forest Conservation Plan (FCP) must be approved prior to Planning Commission review of the Final Plat.
- It is recommended that deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

- 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.
- 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 the Landscape Plan include a bufferyard to buffer adjacent M1-zoned properties.
- 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.
- Proposed street names have been approved by the County's 911 Emergency Center.
- Consideration should be given to soliciting review and comment on the subdivision layout by the Charlestown Volunteer Fire Company.
- A Traffic Impact Study (TIS) is required. It should have been completed prior to this Preliminary Plat review.
- Any fire hydrant/standpipe locations should be shown on the Preliminary Plat and be consistent with the Town's Zoning Ordinance and Subdivision Regulations and/or recommendations by the Charlestown Volunteer Fire Company.
- This property is classified as W-2 and S-2 in the Master Water and Sewer Plan.
- Water allocation should be confirmed prior to final approval.
- Sewer allocation should be confirmed prior to final approval.

- It is recommended that a Homeowners' Association for maintenance of common open space must be established with whatever sum required by the Town be placed in escrow for improvements prior to recordation.
- It is recommended that access to common open space between and beside lots must be marked with concrete monuments.
- It is recommended that the Final and Record Plats 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.
- It is recommended that the Final and Record Plats also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.
- It is recommended that any recreational amenities be included in the Public Works Agreement with the Town.

12) Lands of Janet Cullen, Lots 1-3, Concept Plat, Glebe Road, Michael S. McAllister, Surveyor, First Election District.

Mike McAllister, Surveyor appeared and presented an overview of the project. This project consists of 27.91 acres. They are proposing 3 lots with a common driveway to Lots 2 & 3 and restricted entrance location on Lot 1. There is an existing entrance at the easterly end of Lot 2 which will be abandon upon the construction of the common entrance to Lots 2 & 3.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. There are Drainage concerns on Glebe Road @ proposed driveway entrance for lot 2 & 3.
3. Sight distance measurements will be required for the proposed common driveway access point for Lots 2 & 3 as well as for Lot 1. The proposed driveway centerline location must be marked in the field.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 4.3 Requirements for Utility relocations.
 - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 4.5 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."

- b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
 4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 5. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA had no comments.

Mr. Graham, Citizens Representative, had some comments from neighbors of Mrs. Cullen regarding the trees that were planted and paid for. The neighbors would like to know what the plans were for those trees. Mr. McAllister stated he didn’t think Mrs. Cullen would have a problem with the trees remaining.

Mr. Kyte, FA had no comments.

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

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments for the department. See file.

Mr. Di Giacomo, P&Z read the comments for the department:
This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. This Concept Plat²⁷ proposes 3 lots on 27.91 acres, for a proposed density of 1/9.3. Thus, bonus density is not an issue.

The “lots allowed” number in the Density Data table needs to be changed from 3.49 to 3 since the Planning Commission cannot approve 0.49 of a lot.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat²⁸ for density calculation purposes.

²⁷ Parcel 408 has exhausted minor subdivision eligibility with the approval of Minor Subdivision 708 (Parcel 438 1/25/80) and major subdivision known as Lands of Lilley & Surgent (Parcel 460 Lots 1B, 1C, 2A, 2F, 3B, &4A).

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

The Critical Area boundary line in the vicinity of Lot 37 of Bohemia Estates must be noted and shown on the Concept Plat submitted for Planning Commission review.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²⁹

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.³⁰

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 and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, and has been provided, along the road frontages of Glebe Road.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. The adjacent properties' RR zoning has not been shown.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard 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).

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

²⁹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

³⁰ 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 or the large lot, a **JD** need not be done.

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Proposed lot 3 exceeds the 3:1 length to width ratio established in §7.4.2.

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.

School information:	<u>Elementary</u> Cecilton	<u>Middle</u> Bo Manor	<u>High School</u> Bo Manor
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	104%	99%	99%

A lunch break was taken at 12:09 pm.
The TAC meeting continued at 1:00 pm.

13) Lands of Richard and Andrea Hocker, Lots 18-23 plus Remaining Lands, Concept Plat, Old Elk Neck Road, Michael s. McAllister, Surveyor, Fifth Election District.

Mike McAllister, Surveyor appeared and presented an overview of the project. This project consists of 6 lots with a common driveway entrances. They have proposed a Bufferyard C. They are proposing 6 lots plus Remaining Lands which equals 10 lots. They are well within what they are allowed based on the density requirements.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Sight distance measurements will be required for the proposed common driveway access points for Lots 18/19, 20/21, & 22/23. The proposed driveway centerline locations must be marked in the field.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 3.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 3.3 Requirements for Utility relocations.
 - 3.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 3.5 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA had no comments.

Mr. Graham, Citizens Representative, had several comments regarding the improper drainage off of Old Elk Neck Road. The neighbors are concern that they will be building homes on wetlands. Mr. McAllister stated they are not building homes in any areas of drainage.

Mr. Kyte, FA asked what the proximity is of the closest water source. Mr. McAllister said a stream is about ¼ mile away from this project. Mr. Kyte asked for a dry hydrant to be put into that water source. He also mentioned that area has a bad source of water.

Ms. Latham, MDE said originally Demond Village had a Water Appropriation permit. In the late 90’s they believed it to be built out and that permit was inactivated. MDE looked into this and decided since this was different owners developing this project this will be concerned a separate subdivision. It will not require a Water Appropriation Permit.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

Mr. Di Giacomo, P&Z read the comments for the department:
This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. This Concept Plat³¹ proposes 6 lots on 46.629 acres, for a proposed density of 1/7.77. Thus, bonus density is not an issue.

A Concept Plat, whose approval has now expired, proposing 35 lots on 148.8 acres for a density of 1/4.25, was approved on 10/16/90.

Lots 5 & 6 received final approval 12/18/90.

Lots 8 & 9 received final approval on 7/15/91.

Demond Village, Lots 10-17, received final approval on 10/19/94. Final plat approval of Demond Village, Lots 10-17, required that those 8 lots be included in future density calculations for the property. This submission complies with that condition and the NAR base density.

Nevertheless, the Density Data box's total acreage of 132.55 needs to be reconciled with the Acreage Tabulation box's 46.629. The Density Data box's math is difficult to follow, and it is unclear how .5 lots could be created.

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

The plat indicates that the 35.98 acres of remaining lands is to be added to Lot 2, parcel 361. If so, the add-on note must be added to the plat and the acreage tabulation table must be amended to accurately reflect the post-add-on acreages. If the 35.98 acres includes the area of Lot 2 of Parcel 361, then this must be made clear on the plat.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.³²

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.³³

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

As these lots would bring the total number of major subdivision lots on the original parcel to nineteen (19), the Planning Commission may require that fifteen (15) percent common open space be included. This would require the provision of 19.88 acres to be set aside as common open space. A Demond

³¹ The minor subdivision eligibility of this parcel was exhausted by the approval of Demond Village.

³² The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

³³ 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 or the large lot, a **JD** need not be done.

Village HOA was created in 1994 for the maintenance of any future common open space that may be created and these lots would need to become a part of that HOA.

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

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard 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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Proposed lots 20, 21 and 22 exceed the 3:1 length to width ratio established in §7.4.2.

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

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.

School information:	<u>Elementary</u> Elk Neck	<u>Middle</u> North East	<u>High School</u> North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%
School			

14) Lombard Farms, Lots 1-12, Concept Plat “B”, Alexander and Lombard Roads, McCrone, Inc., Ninth Election District.

Don Sutton with McCrone, Inc. and Janice Eggers Able, developer appeared and presented an overview of the project. Firstly, their preliminary boundary calculations have shown that they may not own out to Alexander Road as the previous plat had shown. In light of that, they are now showing access off of Lombard Road.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. How will SWM be addressed for these lots? Same as Proposal A.
3. Lot 1 is denied direct access to Lombard Road and Lots 2-5 are denied direct access to Alexander Road. This must be clearly identified on the final plat.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 4.3 Requirements for Utility relocations.
 - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 4.5 Requirements for Stopping Sight Distance
 - 4.6 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 4.7 Requirements for Public Works Agreements.
 - 4.8 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
 - b. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. Applicant must provide stopping sight distance measurements for the Alexander Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
6. Section 3.07.15 of the Road Code requires that Lombard Road be upgraded to a Minor Collector Road or equivalent standard for 100’ either side of the proposed intersection location. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable

to obtain the necessary_ROW. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

7. A Public Works Agreement is required for the streets & storm drainage constructions.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA has no comments.

Mr. Graham, Citizens Representative had no comments.

Mr. Kyte, FA asked about fire suppression. Mr. Sutton said they are considering putting a tank by the entrance. Another possibility is putting a dry hydrant at a pond. They are still looking at both options. Mr. Kyte asked about the width of the streets. They will be 22 ft wide with a 7 ft. grass shoulder.

Ms. Latham, MDE stated a Water Appropriation Permit will be required for Final Plat approval.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

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

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. A Concept Plat for this project was approved on 10/16/06, conditioned on:

- 6) The boundary line survey's being completed prior to TAC review of the Preliminary Plat;
- 7) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat; and
- 8) A building setback and road dedication requirement modification being granted for the existing structure on proposed Lot 12.

It invoked the density provisions of §2.4.1 to propose 4 minor subdivision lots and 8 major subdivision lots on 41.5 acres, for a proposed density of 1/5.19. This plat has been submitted because it is possible that there may not actually be road frontage on Alexander Road. Consequently, an altered, but similar design (with the same proposed density) utilizing access off of Lombard Road instead. Staff will recommend approval of the new design/same density Concept Plat with all previous conditions, plus one that would rescind said approval should the Alexander Road frontage issue prove moot.

All previous comments remain in effect. Proposed Lot 12's existing structures are mostly within the required BRL as well as the area that ordinarily would be dedicated to the Board of County Commissioners in fee simple for possible future road improvements. Staff recommends that a modification be granted.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.³⁴

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.³⁵

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

15% common open space is required; 15.3% is proposed.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Alexander and Lombard Roads. Has any thought been given to alternatives that could better preserve the rural character of the area?

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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 FSD was approved on 10/10/06.

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

³⁴ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

³⁵ 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 or the large lot, a **JD** need not be done.

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Proposed Lot 12 exceeds the 3:1 length to width ratio established in §7.4.2.

The proposed internal road name has been approved.

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

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

Documentation of all necessary easement agreements with Colonial Pipeline will be required prior to the Planning Commission's review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

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

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

School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Calvert	Rising Sun	Rising Sun
FTE	321	712	1129
Capacity	304	775	903
% Utilization	106%	92%	125%

15) Wapiti Acres, Lots 7-84, Concept Plat, Turkey Point Road (MD Route 272), McCrone, Inc., Fifth Election District.

Don Sutton with McCrone, Inc. and Mark Retz from the Diocese appeared and presented an overview of the project. Mr. Retz explained what the exact plans are for this proposal. For the past two years, the owners of the land and the State of Maryland have been working to conserve roughly 582 acres of land on the Elk Neck Peninsula. They feel this concept is required to preserve the conservation values and the asset values of the land that they own and plan to conserve hopefully in the next six months. At the present time, the Diocese main goal is to complete the land conservation and to move forward with their project of building a camp and preserving the wilderness setting that they provide around that camp facility.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. The minimum horizontal curvature radius for a Minor Road is 200'.

3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 3.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 3.3 Requirements for Utility relocations.
- 3.4 Requirements for Stormwater Inspection and Maintenance Agreements
- 3.5 Requirements for Public Works Agreements.
- 3.6 Requirements for Driveways.

Notes and requirements identified for record:

- 1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
- 2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
- 3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
- 4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
- 5. A Public Works Agreement is required for the streets & storm drainage constructions.
- 6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizens Representative received several comments in regards to this project. Mr. Retz reiterated that they are not planning on building homes on this property they are only establishing density. Mr. Graham suggested that the Diocese hold a public meeting for purposes of informing the concerned citizens.

Mr. Kyte, FA asked them to please mark the streets in case of emergency during construction and also consider putting in a fire suppression tank.

Ms. Latham, MDE stated that there is an existing permit.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt read the comments of the department. See file.

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

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

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

Zoning: NAR & RCA

Density: The NAR zone permits a base density of 1 du/ 5 ac. As suggested by the vicinity map, this property extends across Turkey Point Road, and a "Wapiti Estates" Concept Plat was approved for 6 lots on a 33-acre site, for a proposed overall density of 1/72.16, on 11/27/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat; and
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat.

This Concept Plat proposes an additional 78 lots on the remaining 400 acres. Thus, 84 total lots on 433 total acres would yield an overall proposed density of 1/5.15. Thus, bonus density is still not an issue.

The RCA overlay zone permits a density of 1/20; however, no lots are proposed in the Critical Area portion of the property.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.³⁶

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.³⁷

The habitats of rare, threatened, and endangered species must be avoided. An eagle's nest with the concentric protective zones has been depicted.

15% common open space is required; 73.48% is proposed for this section.

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

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

³⁶ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

³⁷ 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 or the large lot, a JD need not be done.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

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

A TIS will be required. It must be completed prior to the TAC's review of any 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.

A Mini-road Maintenance Association for maintenance of the White Tail Trail 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.

School information:	<u>Elementary</u> Elk Neck	<u>Middle</u> North East	<u>High School</u> North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

16) The Villages of Walnut Lane, Lots 1-33, Concept Plat, Turkey Point Road (MD Route 272), McCrone, Inc., Fifth Election District.

Don Sutton with McCrone and Mark Retz with the Diocese appeared and presented an overview of the project. This is the other parcel that is under the control of the conservation plan by the Dioceses. *Note – Mr. Di Giacomo acknowledged the fact that the developer’s main purpose for the submittal is to preserve the land by proposing development. He also reminded the applicant that that fact needs to be made clear to the Planning Commission and upon approval, the approvals validity will be 2 years.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. The minimum horizontal curvature radius for a Minor Road is 200’.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 3.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 3.3 Requirements for Utility relocations.
 - 3.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 3.5 Requirements for Public Works Agreements.
 - 3.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizen’s Representative had no comments other than the same as Wapiti Acres.

Mr. Kyte, FA asked that they mark the streets in case of an emergency during construction and also to consider fire suppression.

Ms. Latham, MDE stated a permit would be need for final plat approval.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department.

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

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

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

Zoning: NAR & RCA

Density: The NAR zone permits a base density of 1 du/ 5 ac. This Concept Plat proposes 33 lots on 182.2 acres, for a proposed density of 1/5.521. Thus, bonus density is a non- issue.

The RCA overlay zone permits a density of 1/20; 4 lots on 81.1 RCA acres would yield proposed density of 1/20.28. In the critical area, no structure shall exceed 35' in height.

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

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.³⁸

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.³⁹

³⁸ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

³⁹ 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 or the large lot, a **JD** need not be done.

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

15% common open space is required; 63.18% is proposed.

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

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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).

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

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

A TIS will be required. The completion of the TIS should be done prior to the TAC's review of any 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.

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

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

17) Lands of Michael W. Dickinson, Lots 1-9, Concept Plat, Elk River Lane, Old Elk Neck Road & Piney Creek Lane, McCrone, Inc., Fifth Election District.

Don Sutton with McCrone appeared and presented an overview of the project. This site consists of 197.71 acres. This property had 2 deed restrictions placed on it as part of the contract of sale to Mr. Dickinson. One was to limit the number of dwelling units to 9 and a 750 ft. building restriction line off of Elk River Lane. They are proposing 5 lots to be accessed off of a proposed mini road and Lot 8 would access off of Elk River Lane and Lot 9 currently uses Piney Creek Lane.

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

1. 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.
2. Section 3.07.15 of the Road Code requires that Old Elk Neck Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance location. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
3. The applicant must provide stopping sight distance measurements for the Old Elk neck Road access and Lot 8's driveway on Elk River Lane to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field.
4. Lots 1, 6, & 7 are denied direct access to Old Elk Neck Road and must be so indicated on the final plat and final lot grading plan.
5. Have you given any consideration as to how you will address SWM for this site? Preliminarily they had provided C.O.S. between Lot 2 & 3. They are still looking into it.
6. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 6.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 6.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 6.3 Requirements for Utility relocations.
 - 6.4 Requirements for Public Works Agreements.
 - 6.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 6.6 Requirements for Private Mini Roads.
 - 6.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*

- b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
- 2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
- 3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
- 4. A Public Works Agreement is required for the streets & storm drainage construction.
- 5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
- 6. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.
- 7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA had no comments.

Mr. Graham, Citizen's Representative, had several comments regarding this project. One included the possibility of contaminated soil off of Old Elk Neck Road. Apparently this was published in the Cecil Whig. He also mentioned some concern regarding drainage and water damage to driveways, etc. See file

Mr. Kyte, FA asked what their closes water suppression is to this site. Mr. Sutton said they are looking into some near by creeks.

Ms. Latham, MDE said they would not need a Water Appropriation Permit.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See File.

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

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

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

Zoning: NAR & RCA

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. This Concept Plat proposes 9 lots on 197.71 acres, for a proposed density of 1/21.967. Thus, bonus density is not an issue.

Only a portion of proposed Lot is in the Critical Area to yield an RCA density of 1/9.61.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁴⁰

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.⁴¹

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

No common open space is required; 2.69 acres are proposed.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Elk Neck Road. Why is a 100' BRL shown along Elk River Lane? Mr. Sutton said it may have been shown incorrect on the map that they used.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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).

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

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), Cecil County Forest Conservation Regulations).

⁴⁰ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

⁴¹ 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 or the large lot, a **JD** need not be done.

A Landscape Agreement must be executed prior to recordation.

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

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.

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 Maintenance 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.

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

18) Louise, Section 1, Revised Lot 8, 35 & 49, Section 2, Lots 12-26 & 41-48, Preliminary Plat, Doctor Jack and Waibel Roads, McCrone, Inc., Seventh Election District.

Mike Burcham with McCrone and Tom and Barry Montgomery, developers appeared and presented an overview of the project. They are presenting a revised plat showing a relocation of an entrance. In doing that, they had to adjust some of the lots.

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

1. 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.
2. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
3. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Stormdrainage easements must be separated from private stormwater management and access easements.
4. New entrance signage will be required and must be shown as to type and location on the internal street and subdivision access construction drawings.
5. Applicant must obtain the Susquehanna Transmission Company of Maryland's right-of-way and easement dedication conditions and approval for construction of the internal county road (Herbies

Curve). The Susquehanna Transmission Company of Maryland must approve of the construction of a public road over the transmission company right-of-way before final plat submittal to the planning commission. It is recommended that the Applicant obtain this information prior to preliminary plat approval by the planning commission, so as to avoid any costly site re-design that might be necessitated by a refusal from the transmission company.

6. DPW will need a sight distance for Herbies Curve.

7. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 6.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 6.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 6.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 6.4 Requirements for Utility relocations.
- 6.5 Requirements for Public Works Agreements.
- 6.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 6.7 Requirements for County Roads .
- 6.8 Requirements for Driveways.
- 6.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Doctor Jack Road be upgraded to a Minor Collector Road standard and that Waibel Road be upgraded to a Minor Road standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. This also applies to the intersection R.O.W. dedication at Doctor Jack and Waibel Roads. The internal street grade leaving Doctor Jack and Waibel Roads may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Doctor Jack and Waibel Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. King, SHA has left the meeting. He does not have any comments for this project.

Mr. Graham, Citizen's Representative had no comments.

Mr. Kyte, FA remarked that the proposed location of the suppression tank is in a appreciated by the department. He also asked that each home would have at least 4 parking spaces off the street. Mr. Montgomery asked Mr. Kyte what the criteria was for water reservoir tanks, how close and how many. Mr. Kyte said if there is not a viable water source within a mile of the development, they need some sort of water source. Mr. Montgomery said within a mile of this site there is a pond with what looks like a dry hydrant. Mr. Kyte is not aware of what it is. They will look into it.

Ms. Latham, MDE said they received an application for Louise unfortunately she was unable to look at the file. Ms. Latham asked about the owner's name. Mr. Montgomery said the owners are a LLC.

Mr. Moore, DEH read the comments for the department. See attached. Mr. Moore asked what they are proposing to do with the existing dwelling on Lot 12. Mr. Montgomery said it will probably be demolished. They have options that they are going to look into.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments for the department. See file.

Mr. Di Giacomo, P&Z read the comments for the department:
Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: NAR

Density: The Concept Plat, proposing 5 minor subdivision lots and 44 major subdivision lots on 134.5 acres, was approved at the bonus NAR density of 1/3.06⁴² on 1/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The applicant's obtaining verification from MDE that the pumping at full yield of wells on this project will not be affected by any contaminants moving in the direction of these wells from contaminated sites.

The Section 1 Preliminary Plat was approved on 6/19/06, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) All questions regarding the location(s), maintenance, and monitoring of recommended sentry wells being resolved prior to Final plat review;
- 5) Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD being submitted prior to the Planning Commission's review of any future section's Final Plat; and
- 6) The Details of the FCP and any Final Plat matching up.

The boundary line survey has been completed. This Preliminary Plat is generally consistent with the previously-approved Concept and Preliminary Plats, except that it proposes one looped entrance, each, on Dr. Jack and Waibel Roads, increases the amount of common open space, reduces the size of proposed Lot 8 in Section 1, and then add proposed Lot 49 in the space gained by that lot size reduction.

⁴² §2.4.1 was invoked.

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.⁴³ Slopes greater than 25% have been shown – as have stream and wetland buffers.

Permits are required from the Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Documentation of the JD was received on 6/12/06.

A letter was received from MDE stating that available information indicates that groundwater in the vicinity is not expected to be affected by the contamination associated with the Woodlawn federal superfund site.⁴⁴ At the 6/19/06 Planning Commission review of the Section 1 Preliminary Plat, it was determined that all such questions must be fully resolved prior to any Final Plat review.

There are no habitats of rare, threatened, and endangered species.

15% common open space is required; 21.49% was proposed on the approved Concept Plat, and the Preliminary Plat together proposes 1 acre more open space/common open space than did the Concept Plat. Thus, bonus density eligibility has been maintained.

No landscaping or sidewalks are required. Bufferyards Standard C is required, outside the right-of-way, along the Doctor Jack & Waibel Road frontages.

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 1/13/06.

The PFCP was approved on 6/16/06 for proposed Lots 1-11 & 27-40 only. Because lot lines have changed, it must be revised. The PFCP for the balance of the project must be approved prior to the Planning Commission's review of this Preliminary Plat.

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The internal road names have been approved.

Common open space access between and beside 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.

⁴³ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

⁴⁴ The letter also stated "... it would be prudent to consider the installation of sentry wells between the subdivision and the Woodlawn site to ensure that should any changes occur, they would be detected before potentially impacting the proposed subdivision."

The MDE letter did **not** provide any **guidance**, however, as to exactly where the sentry wells should be located or by whom they would be maintained or monitored.

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.

Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD will be required prior to the Planning Commission's review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

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

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

School information:	Elementary	Middle	High School
	Bainbridge	Perryville	Perryville
FTE	256	709	986
Capacity	455	688	860
% Utilization	56%	103%	115%

19) The Lands of Phillip Warren Montgomery & Dara Lynn Montgomery, Lots 3A & 3B, Concept Plat, Jackson Park and Principio Roads, McCrone, Inc., Seventh Election District.

Mike Burcham with McCrone appeared and presented an overview of the project. This project is Lot 3 of an approved minor subdivision plan which totaled roughly 19.6 acres. The Montgomery's would like to create one additional lot for Dara's father.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Sight distance measurements will be required for the proposed driveway access point for Lot 3B on to Principio Road. The proposed driveway centerline location must be marked in the field.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 3.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 3.3 Requirements for Utility relocations.
 - 3.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 3.5 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Di Giacomo stated that SHA had no comments.

Mr. Graham, Citizen's Representative had no comments.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE said they do not require a Water Appropriation Permit.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

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

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. This Concept Plat proposes 2 lots on 19.6 acres, for a proposed density of 1/9.8.

Proposed Lots 3A - 3B would result from dividing Lot 3 of Minor Subdivision # 3546. This is a major subdivision because all minor subdivision potential of the original parcel of record has been exhausted.⁴⁵

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁴⁶

⁴⁵ The H. Barry Montgomery Lots 2A & 5 Preliminary-Final Plat was approved on 11/21/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to recordation;
- 4) The Landscape Agreement being executed prior to recordation; and
- 5) Deed restrictions for the long-term protection of any Forest Retention/Afforestation Areas (**FRAs**) being recorded and noted on the plat prior to recordation, with the metes and bounds description of any FRA being shown on the record plat.

⁴⁶ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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.⁴⁷ The approved Minor Subdivision # 3546 shows the wetlands on Lot 3.

The habitats of rare, threatened, and endangered species must be avoided. No common open space is required. 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 Jackson Park and Principio Roads.

A Bufferyard b Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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

An FSD was approved on 11/1/04.

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

An FCP for Lots 1-4 was approved on 1/13/05, in conjunction with Minor Subdivision 3546. Because the proposed lots are not shown, a revised FCP and Landscape Plan must be submitted. Technically, they cannot be approved because they are inconsistent with because a recorded plat. Therefore, although they ordinarily must be approved prior to the Planning Commission's review of the Final Plat, in this case, they must be approved prior to recordation.

A Landscape Agreement must be executed prior to recordation.

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

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

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

School information:	Elementary	Middle	High School
	Rising Sun	Perryville	Perryville
FTE	819.5	709	986

⁴⁷ 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 forest retention area, a JD need not be done.

Capacity	615	688	860
% Utilization	133%	103%	115%

20) Bohemia Crossing, Lots 1-10 (Lots 11-15 are proposed in New Castle County, Delaware), Concept Plat, Old Telegraph Road, Landmark Consulting Engineers, Inc., Second Election District.

Bruce Tease with Landmark appeared and presented an overview of the project. This plan is very similar to the prior plan that was presented at the Nov. TAC and Nov. PC meetings. They have revised the plan to show Parcel A (in Cecil County) to be 10 lots and 5 lots on Parcel C (in New Castle County). They removed 3 lots from the last submittal. They have proposed to keep all development away from Bohemia Creek. In November, the PC disapproved the plan. They believe they have corrected everything they had recommended.

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

1. 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.
2. Applicant must provide stopping sight distance measurements for the Old Telegraph Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
3. Has any consideration been given to locating the proposed entrance farther north than is shown? In visiting the site the visibility to the south on Old Telegraph Road appears challenging to say the least. As with all projects the stopping sight distance obtainable must meet AASHTO standards for a safe entrance condition.
4. A protocol 3 road condition survey & road improvements plan for Old telegraph Road, along the entire frontage of this development, must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements.
5. Section 3.07.15 of the Road Code requires that Old Telegraph Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
6. Geo-technical analysis of all road crossings of wetlands/streams to determine suitability of the sub-base to support a county road. This analysis must be included in the road & storm drain design submittal.
7. ~~The road frontage dedication requirement is for a fee simple 30' wide strip measured from the roadway centerline. The correct note must read "30' wide strip of land to be dedicated in fee simple to the Board of County Commissioners of Cecil County".~~
8. The minimum horizontal curvature radius for a Minor Road is 200'.
9. The driveway for Lots 4 must be a minimum of 75' from the centerline of the intersection.
10. Have you given any consideration as to how you will address SWM for this site? Yes.
11. For the portion of the development in Delaware the applicant must comply with all pertinent requirements imposed by them in regards to SWM, lot grading, building permits, etc...
12. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

12.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.

- 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 12.3 Requirements for Utility relocations.
- 12.4 Requirements for Public Works Agreements.
- 12.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 12.6 Requirements for County Roads.
- 12.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Old Telegraph Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Di Giacomo stated that SHA had no comments.

Mr. Graham, Citizen's Representative had received a few comments regarding wildlife habitats in the area and the overcrowding of schools. See file.

Mr. Kyte, FA asked if they were considering a fire suppression tank. Mr. Tease said they were considering a tank. Mr. Kyte also asked to have 4 off street parking spaces per house.

Ms. Latham, MDE stated that a Water Appropriation Permit is not required.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

Mr. Di Giacomo, P&Z read the comments for the department:
 Upon re-inspection, this proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

Zoning: SAR and RCA

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. Invoking the density provisions of §2.4.1, 4 minor and 6 major subdivision lots are proposed on 49.20 acres, for a proposed bonus density of 1/8.2, with another 5 lots proposed in New Castle County. Thus, bonus density is not an issue.

No lots are proposed within the 5.14 acres located in the Critical Area RCA overlay zone. The plat incorrectly states that 6.19 acres are in the Critical area; that must be corrected, as must other modifications to coefficients in the areas of natural constraints table.

An environmental assessment must be submitted in accordance with §200.1 of the Zoning Ordinance.

As to the development of the proposed lots in New Castle County, respective Final Plats for this project must be approved in both counties prior to recordation in either county.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁴⁸

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'. It appears that the perennial stream buffer must be expanded.

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 completed prior to Preliminary Plat review by the Planning Commission.⁴⁹

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

15% common open space is required; 58.90% is proposed.

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

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

⁴⁸ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

⁴⁹ 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 or the large lot, a **JD** need not be done.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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.

Because the Natural Heritage Service has exceeded their 30-day response window, the FSD was conditionally approved on 11/16/06. The Natural Heritage Letter must be submitted prior to PFCP approval, and any recommended species surveys must be completed prior to the TAC's review of any Preliminary Plat.

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

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

A Landscape Agreement must be executed prior to recordation.

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

Road names must be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Since New Castle County 911 will handle, and the Middletown Fire Company will respond to, emergency calls for the 5 proposed NCC homes, then documentation of NCC's approval of the road name on which the NCC lots front will also be required prior to the Planning Commission's review of any 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.

No more than 20% of the forest or developed woodland may be removed, and no more than 15% of the surface area can be converted to impervious surface in the RCA. In the Critical Area, no structure shall exceed 35' in height.

The GAP will need to be issued prior to Final Plat review. Coordination between MDE and DNREC may be necessary.

The Cecil County Public Schools report that potential students in the 5 NCC homes would be served by schools of the Appoquinimink School District.

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.

School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	104%	99%	99%

21) The Estates of Slicer’s Mill, Lots 1-13, Revised Concept/Preliminary Plat, Slicer’s Mill Road, KCI Technologies, Inc., Sixth Election District.

Brian Morgan with KCI Technologies appeared and presented an overview of the project. The Concept plan that was approved had some incorrect information. Presented is the revised proposal. Proposed is an open section road for Lydia Isabella Way. They are proposing 11 major subdivision lots and 2 minor subdivision lots. They are also proposing now to follow the alignment of an existing crossing and do a private mini road to access the lots to the eastern segment of the property.

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

1. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Stone Run is designated a Class III-P stream and thermal impact form SWM pond discharge must be addressed in accordance with the MDE 2000 design Manual.
3. ~~How do plan on addressing the requirements of Road Code Section 3.07 as to accel/decal lane requirements.~~
4. The proposed Lydia Isabella Way grade may not exceed 5% within the intersection ROW.
5. The entrance geometry for Lydia Isabella Way remains challenging. While the applicant’s engineer has met with the Department to discuss this issue we recommend that proposed solutions be submitted for review prior to final design of the road & storm drain plans for this project. The applicant should begin considering acquiring the necessary easements to provide for a safe ingress & egress to this site as well as be aware of the potential for offsite road improvements on Slicer’s Mill Road.
6. What is indicated by the heavy line inside the LOD line along Slicer’s Mill Road at the proposed entrance? ROW
7. The Department has concerns that temporary/permanent easements may be needed on the D. Sprout & J. Horney properties to properly tie the drainage ditch embankments into existing grading. The Department will not support the use of retaining walls on a county road.
8. The ROW line for Lydia Isabella Way must be continued across Lauren Marie Court to indicate a private ROW for the mini road. Lauren Marie Court is in non-compliance with Standard Detail R- 15 of the Road Code. It must end in a cul-de-sac bulb not a tee-turnaround.
9. Applicant must obtain the Susquehanna Power Company right-of-way and easement dedication conditions and approval for construction of the internal county road (Lydia Isabella Way). The Susquehanna Power Company must approve of the construction of a public road over the transmission company right-of-way before final plat submittal to the planning commission. It is recommended that the Applicant obtain this information prior to preliminary plat approval by the planning commission, so as to avoid any costly site re-design that might be necessitated by a refusal from the transmission company.
10. Any Road Code Variances sought must be requested prior to submittal of the Preliminary Plat to the Planning Commission for review.

11. ~~The Department has made a site visit to determine in general if sight distance issues exist. This is not to be misconstrued as approval of final sight distance requirements for this project. Stopping sight distance measurements must still be submitted for review.~~
12. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 12.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 12.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 12.4 Requirements for Utility relocations.
 - 12.5 Requirements for Public Works Agreements.
 - 12.6 Requirements for Stormwater Inspection and Maintenance Agreements
 - 12.7 Requirements for County Roads.
 - 12.8 Requirements for Driveways.
 - 12.9 Requirements for Stopping Sight Distance
 - 12.10 Requirements for Private Mini Roads

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Slicer's Mill Road must be upgraded to a Minor Road Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the county streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. All curves must comply with the Road Code (Section 3.04). The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.
8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
9. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
10. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Di Giacomo stated the SHA had no comments.

Mr. Graham, Citizen's Representative had no comments.

Mr. Kyte, FA asked about having a fire suppression tank. Depending on the size of the homes they will need either a 20,000 or a 30,000 gallon tank will be needed.

Ms. Latham, MDE said a Water Appropriation permit was already issued.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

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

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

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

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 5 ac. The Concept Plat, which included 2 minor and 11 major subdivision lots on 57.375 acres, for a density of 1/5.2159, was approved on 6/19/06, conditioned on:

- 1) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) A boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
and
- 3) The § 174.b (2) being granted for Slicer's Mill Way, so long as it continues follow the alignment of an existing lane.

While this Preliminary Plat is consistent with the Concept's density approval, this submission represents significant design changes, including a new layout and new street names. Therefore, a revised Concept Plat must be submitted for the Planning Commission to approve the new, proposed layout prior to any Preliminary Plat review.

Has the boundary line survey been completed (thus explaining the acreage change)? Yes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁵⁰

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'. Proposed Lot 13's septic area appears to be partially in non-tidal wetlands.

⁵⁰ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A 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.⁵¹

The site contains no habitats of rare, threatened, and endangered species.

15% common open space is required; 20.27% (was 15.16%) is proposed.

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

Bufferyard Standard C is required, outside the right-of-way, along the Slicer's Mill Road frontages.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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 FSD was approved on 5/18/06.

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

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), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Previous road names (Slicer's Mill Court and Slicer's Mill Way) have been approved. The new proposed road names must be approved by the 911 emergency center prior to the Planning Commission'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.

Portions of the proposed roads located in the perennial and intermittent stream buffers or wetlands and buffers. Those buffers need to be more clearly delineated on any plat submitted for review by the Planning Commission.

⁵¹ 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 or the large lot, a JD need not be done.

Pursuant to § 7.2.12.B.9, a mid-block turnaround has been provided on Slicer’s Mill Way.

The Susquehanna Power Company will need to provide verification that they have approved the proposed impacts to the right of way.

What are the symbols depicted in the Susquehanna Power Company right-of-way? Towers.

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.

School information:	Elementary	Middle	High School
	Rising Sun	Rising Sun	Rising Sun
FTE	819.5	712	1129
Capacity	615	775	903
% Utilization	133%	92%	125%

22) The Lands of Ronald A. Guns and Linda L. Guns, Lots 3 & 4, Concept Plat, Tony’s Road, C. Robert Webb, Professional Land Surveyor, Third Election District.

C. Robert Webb, surveyor appeared and presented an overview of the project. They would like to subdivide for his children.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The Department recommends that a common driveway access on to Tony’s Road be provided for Lots 3 & 4.
3. Sight distance measurements will be required for the proposed driveway access points for Lots 3 & 4. The proposed driveway centerline locations must be marked in the field.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 4.3 Requirements for Utility relocations.
 - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 4.5 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - c. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”

- d. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. 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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.

All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when

Mr. Di Giacomo stated that SHA had no comments.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE said this does not require a Water Appropriation Permit.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department.

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

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

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

Zoning: NAR

Density: The NAR zone permits a base density of 1 du/ 5 ac. This Concept Plat⁵² proposes 2 lots on 10.37 acres for a density of 1/5.18. Thus, bonus density is not an issue.

Parcel 557 was added to Parcel 144 through the approval of Minor Sub. 1742. Therefore, the total acreage of parcels 144 and 557 are included for density calculation purposes.

All adjoining property owner information will need to be included on the Concept Plat submitted for Planning Commission review (4.0.13(b)).

The name and address of the owner will need to be included on the Concept Plat submitted for Planning Commission review (4.0.13(e)).

⁵² Parcel 144 has exhausted minor subdivision eligibility through the creation of parcels 558, 613, 635 & 636.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat⁵³ for density calculation purposes.

The project is proposing to add the remainder of Parcel 144 (7.55 acres) to Parcel 415(1.64 acres) to increase Parcel 415 to 9.19 acres per Tax Assessment records. The add-on note will need to be added to the concept plat submitted for Planning Commission review.

The layout of all proposed and existing lots with appropriate dimensions and area need to be included on the concept plat submitted for Planning Commission review. (4.0.13(j))

The zoning classification of the tract needs to be shown on the concept plat submitted for Planning Commission review. (4.0.13(l))

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁵⁴

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 fewer than 10 lots.

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

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

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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

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

The project is proposing the creation of two lots for children of the owner and is invoking exemption 3.2K of the Cecil County Forest Conservation Regulations. Accordingly, an FSD, PFCP and FFCP will not be required.

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

⁵⁴ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

The Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed 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.

School information:	Elementary	Middle	High School
	Leeds	Cherry Hill	North East
FTE	385	571	1110
Capacity	364	754	1009
% Utilization	106%	76%	110%

Meeting was adjourned at 3:40 p.m.

Respectfully submitted,
Jennifer Bakeoven