

**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE**  
**Wednesday January 6, 2010, 9:00 a.m.**  
**County Administration Building**  
**200 Chesapeake Blvd., Elkton, Maryland**

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Brown, Chris (CCSCS), West, Janel (CCPS), Graham, Daniel (Citizen's Rep.); Meaders, David (FA) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Latham, Cindy (MDE), Davis, Gary (SHA).

Mr. Di Giacomo explained the approval process to which a PUD will be required to go through.

**1. Barksdale Village, 116 Lots, PUD, Barksdale and Valley Roads, Concept Plat, Van Cleef Engineering Associates, Fourth Election District.**

Scott Lobdell, Van Cleef Engineering, appeared and presented an overview of the project.

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

No capacity exists for this site at the Highlands WWTP. Water supply from the Meadowview WTP is insufficient to service this development at this time. Both water & sewer service will be dependent upon the Artesian Water Company taking assuming operation of the Meadowview WWTP & WTP. The following comments are based on water & sewer service being provided by Artesian Water Company:

1. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan, Water Distribution plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
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 the applicant must obtain an allocation for public sewer and water prior to final plat.
3. The Highlands WWTF is planned for decommissioning therefore the applicant must provide for sewer connectivity to the Meadow View WWTP or wait for the Aston Point off-site sewer project completion.
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 existing sewer service?
6. All portions of the proposed water and sewer systems located within County ROW must be designed to County standards and utility easements between Artesian Water Company and the County will be required.

7. Applicant is advised that if the SWM and E&S Control plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements.
8. The wetlands & associated buffer differ substantially from what was previously presented to the TAC for this site. Is the wetlands representation here based on a determination by the MDE or COE?
9. 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.
10. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. This analysis must include the culvert under Barksdale Road. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.
11. The Lot Grading Plan and SWM Plan must address how the conveyance of drainage from the proposed road will be handled.
12. SWM structural BMPs required for this site must be provided for within Common Open Space (COS) and located within a private stormwater management easement. Access from the county road system must be provided to each SWM facility on site.
13. 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.
14. A Traffic Impact Study (TIS) is required for a subdivision of this size. The TIS must be completed & submitted prior to Preliminary Plat review by the TAC.
15. As indicated on the plat Isaiah Avenue, from station 0+00 to 9+00 will be classified as a "Minor Collector Road" with 60' wide right-of-way and a 32' wide paved section. From station 9+00 to 16+55.79 Isaiah Avenue will be a "Minor Road" with 50' ROW and 30" wide pave section.
16. Proposed roads must be designed in accordance with the current road code. Specifically the minimum road design standards identified in Standard Detail R-35 of the Cecil County Road Code.
17. The Cul-de-sac bulb proposed is not in compliance with the Standard Detail R-14 of the Cecil County Road Code.
18. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
19. Applicant must provide intersection & stopping sight distance measurements for the Barksdale Road access to DPW prior to preliminary plat submittal. The centerline of the proposed entrance location must be marked in the field. Section 3.07.15 of the Road Code requires that Barksdale Road be upgraded to Minor Collector Road equivalency standard for 100' either side of the proposed entrances. The design engineer must address the requirement to improve/ establish shoulders, construct the minimum acceleration and deceleration lanes, and improve any deficient roadside drainage along the development's road frontage on the street construction drawings.
20. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
21. Lots 44 & 116 are denied direct access to Isaiah Avenue. All denied access must be identified on the Final Plat as well as the Lot Grading Plan.
22. The Applicant must conduct a Category 3 Protocol road condition survey along Barksdale Road from its intersection with Appleton Road to its intersection with Valley Road and Valley Road from Kirkcaldy Drive to Barksdale Road. The Department may require the Applicant to perform

off-site upgrades to these roads based on the findings of this condition survey. All necessary road improvements must be agreed to by the Department and shown on the preliminary plat presented to the TAC for review.

23. All driveways must be paved at least to the right of way. The driveway paving, within the ROW, must be complete for all lots at the time when the surface course for the internal roads is installed (80% of Lots are built-out). The Developer/Contractor must establish the driveways for any lots not built –out at that time. In addition any driveway in excess of 5% up-gradient-slope from the road rights-of-way must be paved to the crest and the Developer/Contractor will be responsible for this at the time of surface course installation. If the development is phased this requirement will apply to each phase when 80% of the lots are built-out. All of this must be so indicated on the Lot Grading Plan.
24. What existing rights and obligation do the owners of Parcels 223, 356 & 711 have in regards to the existing access drive? Is this access owned in fee simple or is it an access easement? What is the proposed disposition of the access to these Parcels?
25. The access to Torres & Miller properties (Parcels 223, 356 & 711) must be aligned with the proposed street to provide a 90<sup>0</sup> angle.
26. Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.
27. A PWA is required for the Roads and Storm Drains, Public Sanitary Sewer, and Water System.
28. An I&M Agreement is required for SWM facilities.
29. 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. These notes will be identified in the record but will not be read at this time.

*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.”

*Final Plat:* “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”

*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.”

Discussion ensued regarding the “Site Report” provided by Van Cleef Engineering.

Mr. Graham, Citizen’s Representative, had no comment.

Mr. Brown, CCSCS, provided the applicant with soil reports and maps.

Mr. Meaders, Fire Chief’s Representative, provided the applicant with comments.

Mrs. West, CCPS, asked the applicant to clarify whether this project is a 55 + community. Mr. Lobdell explained that the owner is expecting to target the 55 + community but this proposed subdivision will not be strictly a community restricted to 55 + home owners. The applicant was provided with a copy of the bus stop guidelines.

Mr. von Staden, DEH, read the comments of the department:

Identify the public water supply and public sewer plant to be utilized by this development on the plat. Written confirmation of adequate water and sewer allocation must be received prior to final plat approval. If an upgrade to the water system or sewer plant is required to serve this development, approval for the upgrade must be approved by Cecil County Department of Public Works and Maryland Department of the Environment prior to final plat approval.

Design of the water and sewerlines should include capacity for parcels 223 and 711.

The Master Water and Sewer Plan must be amended to include this project as an area served by Public Water and Sewer prior to final plat approval.

Final and record plats are required to have the following statements;

1. Public water and sewerage will be available to all lots offered for sale (by owner's signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department's signature block)

Mr. Di Giacomo provided that applicant with a copy of the comments received from Delmarva Power, SHA and MDE. See file.

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

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SR

The TAC has previously reviewed Concept Plats for part of this site, under the names W. Harris Construction, Estates at Barksdale, and Barksdale Village, on 8/4/04, 1/5/05 and 11/4/09 respectively. This submission now includes Parcels 45, 288, and 619.

PUD's must adhere to the requirements of ARTICLE's XII and XVII of the Zoning Ordinance and §6.0 of the Subdivision Regulations.

The review and approval process for this PUD proposal is established in §256 of the Zoning Ordinance. §256.1 stipulates that a PUD is permitted in the SR zone by Special Exception. §256.2 requires that the "Sketch Plat/Special Exception Application" shall be reviewed by the TAC, which is being done today. Up to that point, there is no difference between the PUD approval process and the normal subdivision review and approval process.

The applicant is cautioned that if the proposal should change such that any of the units are instead proposed as condominiums, then, in that case, a different process of review and approval shall be followed.<sup>1</sup>

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<sup>1</sup> Generally, the **condominium approval process** that was established in 1991 has worked as follows: From the approved Preliminary Plat/Site Plan, building permits are then issued. Next, the units are built, and then the Final Condominium Plats come back to the Planning Commission for approval, "as built." The Final Condominium Plats are used to record the actual footprints of the units and the actual building plans as constructed.

§256.3 requires that the “Sketch Plat/Special Exception Application” next shall be reviewed by the Planning Commission, and that the Planning Commission<sup>2</sup> shall “make recommendations to the Board of Appeals.”

Next, the Sketch Plat/Special Exception must be placed on the Board of Appeals’ agenda, per §256.4, which specifies that then it “... shall be reviewed by the Board of Appeals. The Board shall consider the recommendations of the Technical Advisory Committee, the Planning staff, the Planning Commission and the standards in Article XVII, Part II, in making their determination to approve or disapprove the proposed PUD.”<sup>3</sup>

§256.5 stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations.” Thus, assuming approval of the PUD Special Exception, Preliminary Plats and Final Plats would be reviewed in the regular way, with the Planning Commission rendering decisions approving or disapproving such submissions, rather than making recommendations to any other body.

Just as is the case with a Concept Plat approval, the possible PUD “Sketch Plat/Special Exception Application” approval by the Board of Appeals would not guarantee any subsequent Preliminary or Final Plat approvals by the Planning Commission.

Density: The SR zone permits a PUD density of 4 du/ 1 ac. Otherwise, the SR zone permits a density of only 2/1 with community facilities. This Concept Sketch Plat proposes 116 dwelling units and 3 commercial buildings on 42.61 acres, for a proposed residential density of 2.722/1.

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

The existing zoning of adjacent properties has been shown, per §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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>4</sup>

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

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on

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<sup>2</sup> Moreover, §’s 256.3 & 256.4 make clear that the Planning Commission’s role first is to make a **recommendation** to the Board of Appeals on the “Sketch Plat/Special Exception Application” **rather than an actual decision** on what would otherwise be considered a Concept Plat.

<sup>3</sup> It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

<sup>4</sup> 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 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

30% common open space is required (§25.3.b); 34.6% 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.

All “common open space” must be labeled and referenced as such. Is the “area dedicated to public use” intended to be common open space? If not, then who will own it? Mr. Lobdell stated that the land is to be dedicated to the county for road widening.

30% landscaping of the development envelope is required (§251.3).

All existing easements on site (especially those mentioned in Deeds NDS 273/262, WLB 653/923, and WLB 837/248) must be shown on the plat, per §4.0.13(h).

If any of the Lands of Torres and/or the Lands of Miller are included, then the acreages of these areas must be provided, and Torres and/or Miller must sign the Record Plat.

Proposed Lots 1 & 44-64 must be denied access to Barksdale Road, and proposed Lots 64-71 must be denied access to Valley Road. Discussion ensued regarding possible landscaping.

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

Bufferyard Standard C is required, outside the right-of-way, along all road frontages of Barksdale & Valley Roads.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring (§25.4.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' of sewer laterals and cleanouts.

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

The FSD must be approved prior to any granting of a PUD Special Exception (§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 street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

The internal road names have been approved. Mr. Di Giacomo recommended that the applicant meet with the local fire company regarding possible road name issues.

A Traffic Impact Study (TIS) is required prior to the TAC's Preliminary Plat review.

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

Note # 13 contains specific parking details (§4.0.13 (m) 3).

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.

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

The property is not presently shown as a water or sewer service area (W0 & S0). The Master Water & Sewer Plan must be amended to include this site, as a W2 & S2 area, 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.

The name of the water service provider providing the water must also be included on the Final and Record Plats.

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

The identity of the waste water treatment plant must be included on the Final and Record Plats.

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

This proposal is consistent with §248.1 in offering "a variety of building types ... including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments." Per §250.2, in the SR zone, proposed duplex homes cannot exceed 30% & townhomes cannot exceed 20%. Only 19% (out of 30% permitted) of the dwellings are proposed as duplexes, but 44% (out of only 20% permitted) are proposed as townhouses. Given:

- 1) The proximity of the proposed townhouse location to the City of Newark;

- 2) The design, which incorporates enveloping the commercial component with townhouses;
- 3) The design, which decreases and transitions the proposed density as one moves farther from Newark; and
- 4) That the inclusion of a greater percentage of townhouses is a reasonable approach to maximizing the achievable density of this proposed PUD;

staff does not oppose the exceedence of the townhouse percentage, which can be approved per §3.5 of the Subdivision Regulations and §170 of the Zoning Ordinance.

This housing-type diversity is one of the two hallmarks of PUDs.

This proposal is also consistent with §248.2, the other hallmark of a PUD, with the inclusion of “commercial uses in a PUD that serve the day to day needs of the residents of the PUD.”

§252.2 stipulates that business uses permitted in a PUD shall be the same as those permitted in the BL zone, and §252.3 states “the requirements of the BL zone shall apply to business uses in a development in the PUD.” TIS’s for PUDs must take this into consideration.

§256.1 (a) – (f) require very specific pieces of information to be included as part of the Sketch Plat/Special Exception Application, as follows: “... the Sketch Plat/Special Exception Application shall contain the following information:

- (a) Elevations of each building type.
- (b) Proposed open spaces, their size, their location, their uses, and their proposed ownership (County and/or association).
- (c) General statement concerning provision of utilities (draft terms and provision of a public works agreement).
- (d) Statement of expected County responsibilities.
- (e) Cost-Revenue ratio of the proposed PUD for the County.
- (f) Tentative time table and staging development. (Schedule of construction).”

This information has generally been provided in the accompanying “Site Report.”

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 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month.

School information:	Elementary	Middle	High School
	Cecil Manor	Cherry Hill	Elkton
FTE	488	532	1141
Capacity	523	775	1380
% Utilization	93%	67%	83%

At this time, Mr. Woodhull read additional comments on this project.

The January TAC meeting adjourned at 9:35 a.m.

Respectfully submitted,



*Jennifer Bakeoven*

**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE**  
**Wednesday February 3, 2010, 9:00 a.m.**  
**County Administration Building**  
**200 Chesapeake Blvd., Elkton, Maryland**

Due to a lack of agenda items, there was no February 2010 meeting of the Technical Advisory Committee.

**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE**  
**Wednesday March 3, 2010, 9:00 a.m.**  
**County Administration Building**  
**200 Chesapeake Blvd., Elkton, Maryland**

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Brown, Chris (CCSCS), West, Janel (CCPS), Graham, Daniel (Citizen's Rep.); Davis, Gary (SHA) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Latham, Cindy (MDE), Meaders, David (FA)

**1. Fletchwood Station, Lots 1-4, Fletchwood Road, Concept Plat, Will Whiteman Land Surveying, Inc., Third Election District.**

Will Whiteman, Land Surveyor and Ron Carpenter, Engineer, appeared and presented an overview of the project.

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

1. A SWM plan, Street and Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

Mr. Graham, Citizens' Representative, asked Mr. Whiteman to clarify whether a buffer would be placed between the entrance road and Mr. Menton's property. Mr. Graham also stated that he received a call that expressed the concern of having 4 lots on an acre of property.

Mr. Brown, CCSCS, provided the applicant with soil reports and maps. See file.

Mrs. West, CCPS, stated that the serving schools for this project are Cecil Manor Elementary, Elkton Middle and Elkton High Schools. With this few number of lots, CCPS has little concern with this project impacting the schools.

Mr. Davis, SHA, read the comments of the department. See file.

Mr. von Staden, DEH, read the comments of the department:

Identify the source of public water and sewer on the preliminary and final plats. An allocation for water and sewer must be granted prior to final plat approval.

Final and Record plats are required to have the following statements:

1. Public water and sewerage will be available to all lots offered for sale (by owner's signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department's signature block).

Mr. Di Giacomo read the comments of Delmarva Power and Light and MDE. See file.

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

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: RM

Density: The RM zone permits a density of up to 6 du/ 1 ac., with community facilities. This Concept Plat<sup>1</sup> proposes 4 lots on 1.585 acres, for a proposed density of 2.52/1.

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

It is recommended that the "Addition of Land Statement" be modified since it is integral to the proposed subdivision.

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

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

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

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

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

Per §29.6.a, 15% common open space is required.

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<sup>1</sup> §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.

<sup>2</sup> 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 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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.

Per §29.5, no landscaping of the development envelope is required; however, per §29.3.d and §186.3, 25% landscaping of the development envelope, including a Bufferyard Standard C along the Fletchwood Road road frontage, will be recommended.

Sidewalks are recommended.

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.

Per §186.1, 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 street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed mini-road name, Red Rose Court, will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

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

A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot being 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 Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.

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

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

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

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

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

The applicant is reminded of the 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month.

School information:	Elementary	Middle	High School
	Cecil Manor	Elkton	Elkton
FTE	488	593	1141
Capacity	523	712	1380
% Utilization	93%	83%	83%

Discussion ensued regarding the requirement of Common Open Space.

**2. Village of Stoney Run, 1125 Units, Baron Road, Concept Plat, Morris & Ritchie Associate, Inc., Fifth Election District.**

Phil Toliver, Morris & Ritchie Associates and Randy Mitchell, owner, appeared and presented an overview of the project.

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

1. A SWM plan, Street and Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Applicant is advised that if the SWM and E&S Control plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements.
3. The Department understands that the water distribution system in this development will be a private system provided by Artesian Water Company. The water distribution system must be designed to meet or exceed the County's standards. This includes providing fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings. Private utility easements will be required for all water lines run in County

ROW. 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. The Department will require a Traffic Impact Study as well as a queuing analysis for this proposal.
5. The Department had reached an agreement with the previous Developer on the extent and nature of the required offsite improvements to Baron Road south of the CSX Bridge and Nazarene Camp Road to MD 272 as contained in an attached memo. We will require the same from this Developer and request that the Planning Commission make the completion of the improvements identified in the memo a condition of approval for the preliminary plat and that the memo is made part of the record.
6. The Department of Public Works requires that any Road Code Variances sought for offsite/entrance/onsite roads must be requested and the major road issues, including offsite road improvements required, be resolved, to the Department's satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Planning Commission. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.
7. The Department is opposed to the proposed Buck Road access on to Baron Road. While providing a second access point into this development its location does not work with sight distance looking north over the CSX bridge and will be further complicated once the bridge has been replaced (approx. 2 ½ yrs). The new bridge will be taller and grading for the approaches makes this location unsuitable / less safe for access. The Department recommends that the Developer's engineer meet with our Engineering Division to coordinate the Baron Road improvements with the Department's CSX Bridge project.
8. In regards to providing a second access Antler Way as proposed provides a revertible easement allowing future access to Razor Strap Road via Parcel 548. With this connectivity Antler Way must be a collector townhouse road with 38' wide ROW.
9. Why has connectivity to the Jansen property (Parcel 526) been removed? Mr. Mitchell stated that Mr. Jansen already has access off of Razor Strap Road, therefore the access through his property is not a necessity.
10. The Department has concern over the geometry of the "U" shaped loops. As well as the "P" loop (see Standard Detail 14A) and traffic island at Elk Court.
11. Adequate off-street parking is always a concern especially in townhouse developments. In that regard the proposed 3.11 parking spaces per townhouse unit is more in line with the Persimmon Creek Section IV & V proposal of approximately 3.24 spaces per unit developed in response to the Department's concern.
12. Pre-design geotechnical evaluation and borings along the proposed road, at stream and wetlands crossings, are required along with specific remedial recommendations for subsurface drainage and street sub grade placement.
13. The structure on West Nazarene Camp Road over the unnamed stream must be approved as part of the road plan approval passing the 100 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.
14. Likewise the stream crossing structures on Antler Way must be approved as part of the road plan approval passing the 25 year storm without overtopping.
15. The standard fee simple ROW dedication note is required for the Baron & Nazarene Camp Road frontages.
16. The Developer must also analyze the existing sanitary sewer main from the proposed point of connection to the Washington Street Pump station to determine if adequate capacity exists in the

line. This analysis must be submitted prior to the sanitary sewer plan submittal. The County has an I&I issue on this line.

17. 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. The request can be made once this project has received preliminary plat approval. Until allocation has been granted the Developer proceeds with any and all project engineering at his own risk.
18. Connection to the Stoney Run Interceptor line will be the Developer's responsibility including obtaining all required easements and the installation of the sewer main between the site and the main. The applicant is also responsible for all costs in doing so.
19. The preliminary layout of the proposed subdivision sewer system required at Concept Plat review by the Planning Commission.
20. Any pump station required must be located on a lot dedicated in fee simple to the Cecil County BOCC.
21. All sanitary sewer lines located outside of County ROW or deeper than 15' must be ductile iron.
22. 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:
  - 22.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 22.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 22.3 Requirements for Utility relocations.
  - 22.4 Requirements for Public Works Agreements.
  - 22.5 Requirements for Stormwater Inspection and Maintenance Agreements
  - 22.6 Requirements for County Roads.
  - 22.7 Requirements for Driveways.
  - 22.8 Requirements for Private Mini Roads
  - 22.9 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 shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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 and county streets & storm drain 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. All curves must comply with the Road Code (Section 3.04).The internal street grade may not exceed 5% within the limits of the intersection right-of-way.
7. 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.
8. The private mini-road 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.



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.

Mr. Graham, Citizens' Representative, asked the applicant if a portion of Baron Road is a dirt road. Mr. Toliver said yes. Mr. Graham also asked if Buck Road could be moved to a different location on Baron Road. Mr. Toliver said yes but Mr. Woodhull stated that the department would not be able to support that change.

Mr. Brown, CCSCS, provided the applicant with soil reports and maps. See file.

Mrs. West, CCPS, stated that the servicing schools for this project are Bayview Elementary, North East Middle and High Schools. Mrs. West also stated that the school board has a serious concern with a project of this size's impact to the already over capacitated schools.

Mr. Davis, SHA, read the comments of the department. See file.

Mr. von Staden, DEH, read the comments of the department:

An allocation for public water and sewer must be granted prior to final plat approval. Permits for any sewer pumping stations or public water system upgrades must be approved by Maryland Department of the Environment prior to final plat approval.

Final and Record plats are required to have the following statements:

1. Public water and sewerage will be available to all lots offered for sale (by owner's signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department's signature block).

Plans for the swimming pools and nursing care facilities must be approved by the Department of Health and Mental Hygiene prior to site plan or building permit approval.

Mr. Di Giacomo read the comments from Delmarva Power and Light and MDE. See file.

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

This project is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: RM

Background: The Villages of Stoney Run Concept Plat, proposing 234 single family and 162 townhouses on approx. 137 acres, for a proposed density of 2.89/1, was approved on 3/19/07, with 9 conditions,<sup>3</sup> and the Prelim. Plat, proposing 231 single-family & 159 townhouse lots on 136.76 acres

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<sup>3</sup> 1) A boundary line survey being completed prior to the TAC's review of the Preliminary Plat; 2) A TIS being completed prior to the TAC's review of the Preliminary Plat; 3) A field-delineated 100-year floodplain boundary being used on the Preliminary Plat; 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat; 5) The PFCP being approved prior to the Planning Commission's review of the Preliminary

for a density of 2.85/1, was approved on 7/16/07 w/ 10 conditions.<sup>4</sup> All previous approvals have expired and, therefore, have no standing.

Density: With community facilities, the RM zone permits a density of 12/1 for townhouses and 16/1 for apartments. This Village of Stoney Run Concept Plat proposes 287 townhouses, 672 apartment units, and approximately 166 assisted living units. 1,125 dwelling units on 136.76 acres would yield a proposed density of 8.23/1.

Per Note # 18, 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>5</sup>

Steep slopes have been shown. 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'<sup>6</sup>.

The 100-year floodplain has been shown. Note # 19 indicates that the 100-year floodplain boundary was taken from a FEMA Panel. A condition of any Concept approval will be that the Preliminary Plat must accurately depict the floodplain (per §4.1.22 (i) & §4.1.22 (p)).

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

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Plat; 6) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; 7) All stream buffers being depicted prior to the TAC's review of the Preliminary Plat; 8) At a minimum, access easements being designed for proposed lots 308-315 and 316-318 prior to the TAC's review of the Preliminary Plat; and 9) A redesign to eliminate the three adjacent panhandle lots. Being 87, 88 & 89, as that type of design is prohibited by the Cecil County Subdivision Regulations.

<sup>4</sup> Health Department requirements being met; 2) DPW requirements being met; 3) Written verification of **water allocation** and **sewer allocation** being received prior to Final Plat review; 4) Sewer allocation being confirmed prior to Final Plat review; 5) Final Plats clearly showing the easements for townhouse rear yard access; 6) The **FCP** and **Landscape Plan** being approved prior to Final Plat review; 7) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (**FRAs**) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; 8) Documentation of the completed **JD** being submitted prior to Final Plat review (if **JDs** are once again performed); 9) Verification of the filed-delineated floodplain limits being made prior to Final Plat review; and 10) TIS recommendations being finalized and agreed to by all parties prior to Final Plat review.

<sup>5</sup> 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 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>6</sup> If necessary, consistent with §174.1.b (1) (a) & (b), since this property is located in the Development District, as defined by the Cecil County Comprehensive Plan, the Planning Commission **may** waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better.

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

20% common open space is required for the townhouse section; 20% open space is required for the apartment and assisted living sections. An aggregate 60.26% is proposed.

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

§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.

Have the proposed overflow parking spaces in common open space in the townhouse section been included in the cited 42.3 acres of common open space? If so, then their area/acreage must be deducted from the C.O.S. total.

Likewise, the parking area in the apartment and assisted living sections would need to be deducted from the open space total acreage.

All common open space must be labeled and referenced as "common open space."

Sidewalks are recommended on both sides of all internal roads.

A minimum 25% landscaping is required in the RM zone. The required (§29.5.a (2)) 25' peripheral Bufferyard standard C has not been shown. No parking areas, roadways, or accessory structures shall be permitted in the 25' planted bufferyard.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. The applicant is cautioned that the details of street tree plantings in the townhouse section need to be finalized in advance of any Landscape Plan approval. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements, but they still must be labeled. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

The FSD was approved on 2/6/07.

Two lots are numbered 128.

A PFCP was previously approved on 7/11/07. A revised PFCP must be approved prior to the Planning Commission's 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 (§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 street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

All internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. The following names have been disapproved:

- Buck Road
- Chestnut Place
- Elk Court
- Mulberry Court
- Persimmon Place
- Piney Lane
- Sage Place
- Stoney Run Blvd.
- West Nazarene Camp Road <sup>7</sup>

A new (or possibly updated) TIS will be required.

Previously, an access point was shown to the lands of Jansen, per §7.2.12.B.2 & §7.2.12.B.3. Why hasn't connectivity now been proposed?

The Antler Way cul-de-sac suggests possible, future access to the lands of the Montgomery Brothers. Mr. Montgomery has indicated to OPZ that he is amenable to allowing access through the Montgomery Brothers' property out to Razor Strap Road, so long as the Montgomery brothers do not have to construct the road.

Sight distance must be confirmed for the proposed Buck Road entrance onto Barron Road. The "Typical Townhouse Lot Layout" schematic shows access to townhouse rear yards. While fee simple access is always preferable, the Final Plats must clearly show the easements. In addition, such easements may be impossible to effectuate in areas such as Tupelo Court.

The "Typical Townhouse Lot Layout" schematic does not satisfy the requirements of §4.0.13(j) with respect to dimensions.

All aspects of the design and layout must also conform to appropriate elements of §29.

Per Site Data Note # 12, the number of proposed parking spaces is consistent with §'s 274 & 277 of the Zoning Ordinance.

Fire hydrant locations must be finalized in consultation with the North East Volunteer Fire Company and DPW.

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

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<sup>7</sup>The name West Nazarene Camp Road was previously replaced by the approved Vanderbilt Boulevard.

For the townhouse section, a Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

In the apartment & assisted living sections, the open space would not be owned by an HOA.

Should this development proposal be approved and built, and should, at some future point in time, the apartments be converted to condominiums, then, in that case, a revised Preliminary Plat would need to be approved, consistent with the condominium approval process that has been established by the County.

The Master Water and Sewer Plan classifies this site as W-1 and S-1.

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.

Written verification of water allocation and sewer allocation must be received prior to Final Plat review. Otherwise, a Final Plat cannot be approved.

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 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	621	776	1138
Capacity	608	712	1009
% Utilization	102%	109%	113%

**3. Bayview Station, Lots 1-3, Theodore Road, Revised Preliminary / Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.**

Will Whiteman, Land Surveyor and John Mascari, appeared and presented an overview of the project.

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

1. With the nature of the proposed revision to the layout the SWM plan and a Mass and Final Grading plan previously submitted must also be revised. The revised plans must be approved by the CCDPW prior to submittal for Final Plat Approval. As such the Department will not recommend final plat approval at this time. The fees for design review of this project must be provided at the time of first design submittals.

Mr. Graham, Citizens' Representative, has no comments.

Mr. Brown, CCSCS, provided the applicant with soil reports and maps. See file.

Mrs. West, CCPS, stated that the serving schools for this project are Bayview Elementary, North East Middle and High Schools. With this few number of lots, CCPS has little concern with this project impacting the schools.

Mr. Davis, SHA, read the comments of the department. See file.

Mr. von Staden, DEH, read the comments of the department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment.

Show percolation holes in the sewage area of lot 3.

Adjust sewage area to be 20' upslope of hole # 8.

Mr. Di Giacomo read the comments of Delmarva Power and Light and MDE. See file.

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

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SR<sup>8</sup>

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

- 1) The Pleasantview Drive road name being approved by the County 911 Emergency Center prior to the Planning Commission's review of the Preliminary Plat;
- 2) A Jurisdictional Determination (JD) being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) A Boundary Line Survey being done for the preparation of the Preliminary Plat for density calculation purposes;
- 4) The Bufferyard A and 100' setback being shown on the Preliminary Plat along the rear lots lines of proposed Lots 4, 5 and 6;
- 5) The details of the PFCP and the Preliminary Plat matching up;

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<sup>8</sup> The SR zone permits a maximum base density of 1 du/ 1 ac.

<sup>9</sup> The Bayview Junction Concept Plat for this same parcel was disapproved on 4/22/03.

- 6) All well locations for all proposed lots being shown on the Preliminary Plat;
- 7) The proposed Lot 7 dwelling location being shifted because of the conflict with a black oak specimen tree; and
- 8) The developer and the Department of Public Works reconciling a mutually agreeable entrance location for Lots 1-6.

The Preliminary Plat was approved on 7/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The details of the PFCP and the Preliminary Plat matching up;
- 4) The maps accompanying the JD letter being supplied to OPZ for inclusion into the project file;
- 5) The proposed dwelling location for Lot 7 being moved because of the content specimen tree ;  
and
- 6) No sidewalks being required.

Extensions of Preliminary Plat approval were granted on 3/20/06, 2/20/07, and 1/23/08.

The Final Plat was approved on 3/18/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The access easement across the AT&T easement being formalized (any documents requiring recordation being recorded) between the developer and AT&T prior to the recordation of the Record Plat;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) 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;
- 6) A mini-road maintenance association for maintenance of the proposed mini-road being established prior to recordation, with the owners of proposed Lots 1-6 becoming members;
- 7) The Record Plat's noting that Lots 1 & 6 are denied direct access onto Theodore Road, and proposed Lots 1-6 accessing Theodore Road via only the proposed mini-road; and
- 8) Any necessary wetlands disturbance permits being secured prior to recordation.

This revised Preliminary-Final Plat amends the project to propose only 3 lots, total.

§2.0 allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

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

No common open space is required for only 3 lots in the SR zone, although creating common open space in which to locate any stormwater management areas may be desirable.<sup>10</sup>

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

Given the adjacent NAR properties, no sidewalks were recommended in this case.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Theodore Rd.

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<sup>10</sup> If so, then a **Homeowners' Association** for maintenance of common open space must also be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Bufferyard Standard A, including the 100' setback, is required and has been shown along the rear lots lines of proposed Lot 2.

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

The FSD was approved on 5/15/03; the PFCP was approved on 7/19/04.

The FCP and Landscape Plan were approved on 12/12/07. The revised FCP/Landscape Plan has been submitted.

A Landscape Agreement must be executed prior to recordation.

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

The road name "Pleasantview Drive" was approved, but is now irrelevant.

The applicant is reminded of the 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	621	776	1138
Capacity	608	712	1009
% Utilization	102%	109%	113%

The March TAC meeting adjourned at 10:25 a.m.

Respectfully submitted,

*Jennifer Bakeoven*



**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE**  
**Wednesday April 7, 2010, 9:00 a.m.**  
**County Administration Building**  
**200 Chesapeake Blvd., Elkton, Maryland**

Present: Black, David (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Graham, Daniel (Citizen's Rep.) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Latham, Cindy (MDE), Davis, Gary (SHA), Brown, Chris (CCSCS), West, Janel (CCPS), Meaders, David (FA) and Di Giacomo, Tony (CCP&Z).

**1. Lands of Helena duPont Wright, 1 Lot, Middle Neck Road, Preliminary Plat, Michael A. Scott, Inc., Second Election District.**

Michael Scott, Surveyor, appeared and presented an overview of the project.

Mr. Black stated that SHA had no comments as this project is not located on a state highway. Soil maps and reports were provided to the applicant. Mr. Black also read the comments of MDE.

Mr. von Staden, DEH, read the comments of the department:

A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment prior to final plat approval.

Additionally, Mr. von Staden asked the applicant if the buffer issue had been resolved. Mr. Scott said that the Critical Area Buffer for this project is 110'.

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

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

1. A SWM plan must be approved by the Department prior to the final plat being recorded.
2. Sight distance submittals must be approved by the Department of Public Works prior to presenting the preliminary plat for review by the Technical Advisory Committee. We have not yet received the required sight distance measurements for the proposed access point onto Middle Neck Road. The Department will recommend disapproval of this plat to the Planning Commission until such time as we have received the sight distance submittal.
3. The standard "Lot Grading" note must be included on the final plat.

Discussion ensued regarding the proposed driveway.

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

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 20 ac. This Concept Plat proposes 1 lot on 103.079 acres, for a proposed density of 1/103.79. No actual subdivision is proposed; rather, the parcel is being activated as a building lot through the subdivision process. All minor subdivision potential has been exhausted.

The RCA zone also permits a density of 1/20 (90.320 acres are cited). The proposed Critical Area density is 1/90.32. The RCA's 15% lot coverage threshold applies.

The Concept Plat was approved on 11/16/09, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FFCP/Landscape Plan/Environmental Assessment must being approved prior to Planning Commission's review of the Preliminary-Final Plat;
- 4) Either the 110' Critical Area Buffer being expanded to 200', or the Critical Area Commission's recognizing this as a lot of record and allowing the 110' buffer;
- 5) The metes and bounds description of all Forest Retention/ Afforestation Areas being shown on the Preliminary-Final and record Plats; and
- 6) Any request for relief from the Bufferyard Standard C requirement along Middle Neck Road being granted, so as to better preserve the rural character.

The 4<sup>th</sup> condition of approval was satisfied when The Critical Area Commission staff agreed that, because COMAR 15.15.01.02-2(7) defines 'Subdivision' as follows: "means the division of land into 2 or more parts or parcels," the 200' Buffer implementation did not apply. Therefore, the 110' Buffer, with necessary expansions thereof, suffices.

Has the boundary line survey been completed? Mr. Scott said yes.

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat only 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.

An environmental assessment is required to be approved prior to the Planning Commission's review of the Preliminary Plat. FIDS habitat must be avoided in the Critical Area.

Note # 18 indicates that 12.759 acres are forested, though the "edge of woods" graphic suggests a higher forested acreage.

No development is permitted in the tidal wetlands and tidal waters buffers, including septic systems, impervious surfaces, parking areas, roads, or structures, as noted in Note # 13.

A Critical Area Buffer, and expansions thereof, have been shown.

CBCAC comments relating to this project were received on 10/2/09, 11/10/09, and 3/30/10. Copies have been provided to the applicant.

Per §200.6.b (2), no more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested (§200.6.a).

In the critical area, no structure shall exceed 35' in height.

OPZ GIS FEMA-based maps show the dwelling location to be located at least partially within the 100-year floodplain. The 100-year floodplain boundary must be shown on the plat submitted for review and possible approval by the Planning Commission.

The septic reserve area also appears to be located in the 100-year floodplain.

Unless it can be empirically demonstrated that the FEMA-delineated floodplain is erroneous, then, per §241.2.d (1), this building site can be approved only after a Variance has been granted. What steps have been taken in that regard?

If the §241.2.d (1) variance application is successful, then the requirements of §243 must be strictly adhered to.<sup>1</sup>

On sheet 3 of 5, in the lower right hand quadrant, the depicted expanded Buffer appears to be clipping the existing "woods lane." If the drawing's details are accurate, then it appears that there may be enough room to adjust the road alignment without disturbing the forest.

Also on sheet 3 of 5, that it appears that the existing road alignment already goes through the woodlands in the Buffer, which does not seem possible. Nevertheless, if one carefully follows the labeled lines, then that's exactly what the drawing on sheet 3 of 5 purports.

Thus, we have three issues possibly requiring a Variance:

- 1) The existing road's clipping of the expanded Buffer;
- 2) Just to the north, the existing road's being in the Buffer in the area of the proposed dwelling; and
- 3) The dwelling site in the 100-year floodplain.

These issues should be resolved, by Variance to design change, prior to Preliminary Plat submission to the Planning Commission.

Again, no development is permitted in the Buffer, including impervious surfaces, parking areas, or roads.

The section of the access road to the proposed dwelling is shown as "existing," while that part leading out to Middle Neck Road is shown as "proposed." Have the labels been reversed, or is there an existing road without any connectivity?

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<sup>1</sup> §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."

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

Steep slopes have been shown.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'.<sup>3</sup>

A 25' buffer is required around all non-tidal wetlands and intermittent streams present.<sup>4</sup> Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

No common open space is required for fewer than 10 lots, and no landscaping of the development envelope is required in the SAR zone.

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

The Environmental Assessment must be approved prior to Planning Commission's review of the Final Plat (§6.3.B(1)(a), Forest Conservation Regulations).

Any Landscape Agreement must be executed prior to recordation.

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

A MALPF easement exists on this property. On 11/25/08, the MALPF Board of Trustees granted an exclusion for an owner's lot, with the agreement that "it would not be subdivided from the surrounding land."

The contiguous operating farm notice has been provided on the plat as Note # 12.

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<sup>2</sup> 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 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>3</sup> In the Critical Area, the 160' maximum distance does not apply.

<sup>4</sup> In the critical Area, intermittent tributary streams require a 110' buffer.

School information:	Elementary	Middle	High School
	Ches. City	Bo Manor	Bo Manor
FTE	315	479	740
Capacity	353	601	643
% Utilization	89%	80%	115%

**2. Lands of Robert J. Turner, Courtesy Review for the Town of Chesapeake City, 11 Units, Boatyard Road, Canaltowne Consulting, Second Election District.**

Gerry Robertson, Canaltowne Consulting and Sharon Weygand, Chesapeake City Town Administrator, appeared and presented an overview of the project.

Mr. Black stated that SHA had no comment as the project is not located on a state highway. Soil maps and reports were provided to the applicant. Also, Mr. Black read the comments of MDE.

Mr. von Staden, DEH, read the comments of the department:  
COMAR 26.04.03 requires submission of a preliminary plat showing:

1. Topography at 2 foot intervals.
2. Identify methods proposed for water supply and sewage disposal.
3. Identify if any nonresidential usage is proposed.
4. If public water and sewerage are proposed, the parcel must be included in the County Master Water and Sewer Plan.

If public water and sewerage are proposed, record plat must contain the following statements:

- Public water and sewerage will be available to all lots offered for sale (by owner’s signature block).
- Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department’s signature block).

Mr. Graham, Citizen’s Representative, had no comment.

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

This submittal does not comply with the standards set for concept plat review by the TAC irregardless of whether or not this property is annexed into the Town of Chesapeake City.

1. The Department understands that with annexation the Town of Chesapeake City will provide both water & sewer for this site.
2. It is the Department’s position that Boat Yard Road along the subdivision’s frontage also be included in the annexation thus extending the Towns ownership & maintenance responsibility from the current line of incorporation to that here proposed.
3. The Applicant is made aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be designed

to meet its requirements. The SWM plan must be approved by the Department prior to the final plat being recorded.

4. If this property is not annexed by the Town of Chesapeake City and Boat Yard Road remains a county road the Applicant will be responsible for the fee simple dedication of a strip of land measured 30' from the center line of the road along the property's road frontage. A road improvements plan submittal for Boat Yard Road would also be required. All private and/or Town owned utilities run within County ROW would require easements between the County and the utility owner.
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:
  - 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.

**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 shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. 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 and driveway construction within the County ROW if Boat Yard Road remains a county road.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. If Boat Yard Road remains a county road, 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. Black, P&Z, read the comments of the department:

The site of this proposed subdivision is proposed to be annexed into the Town of Chesapeake City. The Cecil County TAC, as a courtesy to the towns in the County, from time to time reviews site plans and subdivisions proposed within the towns' corporate limits.

Proposed Zoning: TND, LDA

- All comments are based upon the assumption that the property will be annexed into the Town of Chesapeake City.
- The materials submitted to not comply with the required information for Concept Plats, per §4.0.13 of the Cecil County Subdivision Regulations.

- If this project does not proceed through the Town’s review and approval process, then the required information for Concept Plats, per §4.0.13, must be followed.
- If this submission does not now meet the requirements of the Town’s Zoning Ordinance and/or Subdivision Regulations, then its details should be made consistent with those requirements prior to any submission to the Town.
- It is recommended that a plat be submitted that includes a vicinity map indicating the location of the property with reference to surrounding property, streets, landmarks, streams, north arrow, etc.
- It is recommended that a plat be submitted that shows all property owned according to the tax maps if only a part of the property is to be developed, as the tax map, block (grid), and parcel number(s).
- It is recommended that a plat be submitted that includes a Title Block, including the proposed name of the project, the scale of plat, and the date.
- It is recommended that a plat be submitted that includes the name and address of owner or person representing owner who is responsible for preparation of the plat.
- It is recommended that a plat be submitted that includes the layout of all proposed and existing lots with appropriate dimensions and minimum area.
- It is recommended that a plat be submitted that includes the existing and proposed Zoning Classification of tract, as well as those of adjoining properties.
- It is recommended that a plat be submitted that includes the existing and any proposed Critical Area designation of the tract.
- It is recommended that a plat be submitted that includes the general location and areal extent of the following items when the subdivision is proposed in the 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 (200-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 and/or proposed shore erosion abatement approaches.
- It is recommended that a plat be submitted that includes a listing of any re-zonings, Variances, Special Exceptions, or Growth Allocations necessary to achieve the proposed design.

- It is recommended that it be verified that the Town's submission requirements for Growth Allocation have been met. If not, then a Growth Allocation submission should be filed, consistent with state requirements contained in SB 280.
- It is recommended that Final Plat approval not be granted until after Growth Allocation has been awarded.
- It is recommended that the proposed density be checked for consistency with that allowed in the Town's TND zone.
- It is recommended that the proposed Critical Area density be stated on the plat. Further, it should be confirmed that the proposed density does not exceed that allowed in the proposed IDA zone under the Town's Critical Area Program.
- It should be confirmed that the setbacks are consistent with the Town's Zoning Ordinance for the proposed IDA and TND zones.
- It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.
- Consideration should be given to soliciting review and comment on the subdivision layout and access by the Chesapeake City Volunteer Fire Co.
- Any fire hydrant locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, as well as suggestions from the Chesapeake City Volunteer Fire Co.
- Consideration should be given to the possible installation of dry hydrants, where practicable, in consultation with the Chesapeake City Volunteer Fire Co.
- Water allocation should be confirmed prior to final approval.
- Sewer allocation should be confirmed prior to final approval.
- Consistency with the Master Water and Sewer Plan should be confirmed prior to final approval.
- It should be confirmed that the number of proposed parking spaces proposed falls within the minimum and maximum number required or permitted by the Town's Zoning Ordinance and Subdivision Regulations.
- Sidewalks are recommended.
- It should be confirmed that all aspects of the proposed 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 pertinent any stream buffer distances are consistent with the requirements of the Town's Zoning Ordinance and Subdivision Regulations.
- It is recommended that it be verified that non-tidal buffer distances are consistent with the requirements of the Town's Zoning Ordinance and Subdivision Regulations.
- It is recommended that it be verified that the Critical Area buffer distances are consistent with the requirements of the Town's Zoning Ordinance, Subdivision Regulations, and Critical Area Program, especially since the passage of HB 1253.
- Additionally, it is recommended that it be verified that any storm water management areas are allowed in Critical Area Buffers.
- It is recommended that a stream buffer, pursuant to Town's Zoning Ordinance and Subdivision Regulations, be depicted outside of the Critical Area where appropriate (southwestern portion of Back Creek).
- It is recommended that the Critical Area buffer be expanded to include any hydric soils, where applicable.
- It is recommended that protective fencing be considered around any stormwater management areas, as they may be attractive hazards.
- There is no (common) open space identified on the plat. If common open space is required, then a Homeowners' Association must be established to maintain the common open space. It is recommended that the Town not sign any recordation plats until after the Homeowners' Association has been established and funded to the level required by Town regulations (\$50 per recorded lot is currently the funding level set by the County).
- 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, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species have not been exceeded.
- It is recommended that any access to common open space between lots be marked with concrete monuments.
- It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.
- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.

- It is recommended that the Landscape Plan be approved prior to final subdivision approval. Consideration should be given to the vegetative screening of the C& P Telephone property.
- It is recommended that a Landscape Agreement be executed prior to recordation.
- An Environmental Assessment must be done. It is recommended that Final approval not be granted until after the final Environmental Assessment has been approved.
- 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.
- It is recommended that the final Forest Conservation Plan (FCP) be approved prior final subdivision approval.
- Deed restrictions for the long-term protection of any street trees and Forest Retention/Afforestation Areas (FRAs) should 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 April TAC meeting adjourned at 9:43 a.m.

Respectfully submitted,

*Jennifer Bakeoven*

**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE**  
**Wednesday May 5, 2010, 9:00 a.m.**  
**County Administration Building**  
**200 Chesapeake Blvd., Elkton, Maryland**

Due to a lack of agenda items, there was no May 2010 meeting of the Technical Advisory Committee.

**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE**  
**Wednesday June 2, 2010, 9:00 a.m.**  
**County Administration Building**  
**200 Chesapeake Blvd., Elkton, Maryland**

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Brown, Chris (CCSCS) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Latham, Cindy (MDE), Davis, Gary (SHA), , West, Janel (CCPS), Meaders, David (FA) and Graham, Daniel (Citizen's Rep.).

**1. Barksdale Village, 118 Lots, PUD, Barksdale & Valley Road, Concept Plat, Van Cleef Engineering Associates, Fourth Election District.**

Scott Lobdell, Van Cleef Engineering Associates, appeared and presented an overview of the project.

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

No capacity exists for this site at the Highlands WWTP. Water supply from the Meadowview WTP is insufficient to service this development at this time. Both water & sewer service will be dependent upon the Artesian Water Company assuming operation of the Meadowview WWTP & WTP. The following comments are based on water & sewer service being provided by Artesian Water Company:

1. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan, Water Distribution plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The SWM plan must be design in accordance with the current Ordinance.
3. This property is outside of the Master Water & Sewer Plan (MWSP) coverage area. Therefore the applicant will need to request an amendment to the MWSP Plan. If this site is brought into the Master Water & Sewer Master Plan, applicant must obtain an allocation for public sewer and water prior to final plat.
4. The Highlands WWTF is planned for decommissioning therefore the applicant must provide for sewer connectivity to the Meadow View WWTP or wait for the Aston Point off-site sewer project completion.
5. The ability of the existing water distribution system, together with the proposed extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View – Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC in October 2004.
6. Will this site require an onsite lift or pumping station to connect to existing sewer service?
7. All portions of the proposed water and sewer systems located within County ROW must be designed to County standards and utility easements between Artesian Water Company and the County will be required.
8. Applicant is advised that if the SWM and E&S Control plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements.
9. The wetlands & associated buffer differ substantially from what was previously presented to the TAC for this site. Is the wetlands representation here based on a determination by the MDE or COE?

10. 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.
11. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. This analysis must include the culvert under Barksdale Road. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.
12. The Lot Grading Plan and SWM Plan must address how the conveyance of drainage from the proposed road will be handled.
13. SWM structural BMPs required for this site must be provided for within Common Open Space (COS) and located within a private stormwater management easement. Access from the county road system must be provided to each SWM facility on site.
14. 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.
15. A Traffic Impact Study (TIS) is required for a subdivision of this size. The TIS must be completed & submitted prior to Preliminary Plat review by the TAC.
16. As indicated on the plat Isaiah Avenue, from station 0+00 to 9+00 will be classified as a "Minor Collector Road" with 60' wide right-of-way and a 32' wide paved section. From station 9+00 to 16+55.79 Isaiah Avenue will be a "Minor Road" with 50' ROW and 30" wide pave section.
17. Proposed roads must be designed in accordance with the current road code. Specifically the minimum road design standards identified in Standard Detail R-35 of the Cecil County Road Code.
18. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
19. Applicant must provide intersection & stopping sight distance measurements for the Barksdale Road access to DPW prior to preliminary plat submittal. The centerline of the proposed entrance location must be marked in the field. Section 3.07.15 of the Road Code requires that Barksdale Road be upgraded to Minor Collector Road equivalency standard for 100' either side of the proposed entrances. The design engineer must address the requirement to improve/ establish shoulders, construct the minimum acceleration and deceleration lanes, and improve any deficient roadside drainage along the development's road frontage on the street construction drawings.
20. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
21. The Applicant must conduct a Category 3 Protocol road condition survey along Barksdale Road from its intersection with Appleton Road to its intersection with Valley Road and Valley Road from Kirkcaldy Drive to Barksdale Road. The Department may require the Applicant to perform off-site upgrades to these roads based on the findings of this condition survey. All necessary road improvements must be agreed to by the Department and shown on the preliminary plat presented to the TAC for review.
22. All driveways must be paved at least to the right of way. The driveway paving, within the ROW, must be complete for all lots at the time when the surface course for the internal roads is installed (80% of Lots are built-out). The Developer/Contractor must establish the driveways for any lots not built -out at that time. In addition any driveway in excess of 5% up-gradient-slope from the road rights-of-way must be paved to the crest and the Developer/Contractor will be responsible for this at the time of surface course installation. If the development is phased this requirement

will apply to each phase when 80% of the lots are built-out. All of this must be so indicated on the Lot Grading Plan.

23. What existing rights and obligation do the owners of Parcels 223, 356 & 711 have in regards to the existing access drive? Is this access owned in fee simple or is it an access easement? What is the proposed disposition of the access to these Parcels?
24. The access to Torres & Miller properties (Parcels 223, 356 & 711) must be aligned with the proposed street to provide a 90<sup>0</sup> angle.
25. Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.
26. A PWA is required for the Roads and Storm Drains, Public Sanitary Sewer, and Water System.
27. An I&M Agreement is required for SWM facilities.
28. 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. These notes will be identified in the record but will not be read at this time.

*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."*

*Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*

*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."*

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. Mr. Brown advised the applicant to contact CCSCS after they meet with DPW as the E&S will be integrated with SWM.

Mr. von Staden, DEH, read the comments of the department:

Identify the public water supply and public sewer plant to be utilized by this development on the plat. Written confirmation of adequate water and sewer allocation must be received prior to final plat approval. If an upgrade to the water system or sewer plant is required to serve this development, approval for the upgrade must be approved by Cecil County Department of Public Works and Maryland Department of the Environment prior to final plat approval.

Design of the water and sewerlines should include capacity for parcels 223 and 711.

The Master Water and Sewer Plan must be amended to include this project as an area served by Public Water and Sewer prior to final plat approval.

Final and Record plats are required to have the following statements:

1. Public water and sewerage will be available to all lots offered for sale. (By owner's signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department's signature block).

Mr. Di Giacomo read the comments of Delmarva Power, MDE and Singerly Fire Company.

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

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SR

The TAC previously reviewed Concept Plats for part of this site, under the names W. Harris Construction, Estates at Barksdale, and Barksdale Village, on 8/4/04, 1/5/05 and 11/4/09 respectively. This submission now includes Parcels 45, 288, and 619.

PUD's must adhere to the requirements of ARTICLE's XII and XVII of the Zoning Ordinance and §6.0 of the Subdivision Regulations.

The review and approval process for this PUD proposal is established in §256 of the Zoning Ordinance. §256.1 stipulates that a PUD is permitted in the SR zone by Special Exception. §256.2 requires that the "Sketch Plat/Special Exception Application" shall be reviewed by the TAC, which is being done today. Up to that point, there is no difference between the PUD approval process and the normal subdivision review and approval process.

The applicant is cautioned that if the proposal should change such that any of the units are instead proposed as condominiums, then, in that case, a different process of review and approval shall be followed.<sup>1</sup>

§256.3 requires that the "Sketch Plat/Special Exception Application" next shall be reviewed by the Planning Commission, and that the Planning Commission<sup>2</sup> shall "make recommendations to the Board of Appeals."

Ordinarily, per §251.12 of the 2009 Cecil County SWM Ordinance, and per §5.1.C, Cecil County Forest Conservation Regulations and §4.0.13 (a) of the Subdivision Regulations, a project's SWM Concept Plan and Forest Stand Delineation, respectively, would need to be approved prior to the Concept Plat's submission for review by the Planning Commission. Since, per §256.2, this is a "Sketch Plat/Special Exception Application," and per §256.4, as will again be cited below, it is the

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<sup>1</sup> Generally, the **condominium approval process** that was established in 1991 has worked as follows: From the approved Preliminary Plat/Site Plan, building permits are then issued. Next, the units are built, and then the Final Condominium Plats come back to the Planning Commission for approval, "as built." The Final Condominium Plats are used to record the actual footprints of the units and the actual building plans as constructed.

<sup>2</sup> Moreover, §'s 256.3 & 256.4 make clear that the Planning Commission's role first is to make a **recommendation** to the Board of Appeals on the "Sketch Plat/Special Exception Application" **rather than an actual decision** on what would otherwise be considered a Concept Plat.

Board of Appeals that actually decides on approval or disapproval, the Concept Plat's submission for Planning Commission review has already been accepted – in the absence of both an approved SWM Concept Plan and Forest Stand Delineation (FSD).

The applicant is hereby served notice that the “Sketch Plat/Special Exception Application” will not be accepted for review by the Board of Appeals if the SWM Concept Plan has not first been approved, or if the FSD has not first been approved, or if any other requirement set forth in §4.0.13 (a) has not first been satisfied.

Next, the Sketch Plat/Special Exception must be placed on the Board of Appeals' agenda, per §256.4, which specifies that then it “... shall be reviewed by the Board of Appeals. The Board shall consider the recommendations of the Technical Advisory Committee, the Planning staff, the Planning Commission and the standards in Article XVII, Part II, in making their determination to approve or disapprove the proposed PUD.”<sup>3</sup>

§256.5 stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations.” Thus, assuming approval of the PUD Special Exception, Preliminary Plats and Final Plats would be reviewed in the regular way, with the Planning Commission rendering decisions approving or disapproving such submissions, rather than making recommendations to any other body.

Just as is the case with a Concept Plat approval, the possible PUD “Sketch Plat/Special Exception Application” approval by the Board of Appeals would not guarantee any subsequent Preliminary or Final Plat approvals by the Planning Commission.

Density: The SR zone permits a PUD density of 4 du/ 1 ac. Otherwise, the SR zone permits a density of only 2/1 with community facilities. This Concept Sketch Plat proposes 118 dwelling units, with no commercial buildings, on 42.61 acres, for a proposed residential density of 2.722/1.

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

The existing zoning of adjacent properties has been shown, per §4.0.13(1).

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>4</sup>

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'.

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<sup>3</sup> It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

<sup>4</sup> 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 ft<sup>2</sup> 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. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

30% common open space is required (§25.3.b); 31.4% 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. All "common open space" must be labeled and referenced as such.

30% landscaping of the development envelope is required (§251.3).

All existing easements on site (especially those mentioned in Deeds NDS 273/262, WLB 653/923, and WLB 837/248) must be shown on the plat, per §4.0.13(h).

If any of the Lands of Torres and/or the Lands of Miller are included, then the acreages of these areas must be provided, and Torres and/or Miller must sign the Record Plat.

Proposed Lots 1 & 64-72 must be denied access to Barksdale Road, and proposed Lots 56-63 must be denied access to Valley Road.

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 Barksdale Road & the west side of Valley Road.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring (§25.4.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' of sewer laterals and cleanouts.

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

As previously stated, The FSD must be approved prior to the submission of the PUD Special Exception Application (§5.1.C, Cecil County Forest Conservation Regulations). Again, the Special Exception application cannot be accepted unless the FSD has already been approved.

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

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

Per previous discussion, neighbors in the adjacent Country Hills subdivision in Newark are concerned about headlights on vehicles exiting the proposed Adeline Avenue onto Valley Road. Since the end-of-cul-de-sac properties on Long Meadow Court are actually in Cecil County, staff will recommend that applicant include vegetative screening on the Cecil County portion of those lots in this project's Landscape Plan. However, the owners of those lots must agree to accept those plantings on their lots.

A Landscape Agreement must be executed prior to recordation.

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

The internal road names have been approved.

A Traffic Impact Study (TIS) is required prior to the TAC's Preliminary Plat review.

This design is consistent with §7.2.12.E.4 and §7.2.12.E.5.

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

Note # 13 contains specific parking details (per §4.0.13 (m) 3).

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.

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

The property is not presently shown as a water or sewer service area (W0 & S0). The Master Water & Sewer Plan must be amended to include this site, as a W2 & S2 area, 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.

The name of the water service provider providing the water must also be included on the Final and Record Plats. Documentation of water allocation must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

The identity of the waste water treatment plant must be included on the Final and Record Plats. Documentation of sewer allocation/capacity must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

This proposal is consistent with §248.1 in offering "a variety of building types ... including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments." Per §250.2, in the SR zone, proposed duplex homes cannot exceed 30% & townhomes cannot exceed 20%. 30% of the dwellings are proposed as duplexes, and 20% are proposed as townhouses. The remaining 50% are proposed as single family dwellings. Given:

- 1) The proximity of the proposed townhouse and duplex locations to the City of Newark; and
- 2) The design, which decreases and transitions the proposed density as one moves farther from Newark; ...

Staff finds that this design is a reasonable approach to maximizing the achievable PUD density, given the parameters of the comments received at the 4/19/10 Planning Commission review of the previous design iteration of Barksdale Village.

The above housing-type diversity is one of the two hallmarks of PUDs.

This proposal is not consistent with §248.2, the other hallmark of a PUD, with the inclusion of "commercial uses in a PUD that serve the day to day needs of the residents of the PUD."<sup>5</sup>

Based upon comments received at the Planning Commission's 4/19/10 review of the previous iteration of Barksdale Village, the exclusion of a commercial component is consistent. Just as the Planning Commission has the power to grant modifications, in this case, the Board of Appeals has the power to approve this application – with no commercial component.

§256.1 (a) – (f) require very specific pieces of information to be included as part of the Sketch Plat/Special Exception Application, as follows: "... the Sketch Plat/Special Exception Application shall contain the following information:

- (a) Elevations of each building type.
- (b) Proposed open spaces, their size, their location, their uses, and their proposed ownership (County and/or association).
- (c) General statement concerning provision of utilities (draft terms and provision of a public works agreement).
- (d) Statement of expected County responsibilities.
- (e) Cost-Revenue ratio of the proposed PUD for the County.

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<sup>5</sup> §252.2 stipulates that business uses permitted in a PUD shall be the same as those permitted in the BL zone, and §252.3 states "the requirements of the BL zone shall apply to business uses in a development in the PUD."

(f) Tentative time table and staging development. (Schedule of construction).”

This information has generally been provided in the accompanying “Site Report.”

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.

While the applicant is reminded of the 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month, the applicant is also again reminded that the SWM Concept Plan must be approved prior to the Concept Sketch Plat/ Special Exception Application’s submission for subsequent review, and possible approval, by the Board of Appeals.

School information:	Elementary	Middle	High School
	Cecil Manor	Cherry Hill	Elkton
FTE	488	532	1141
Capacity	523	775	1380
% Utilization	93%	67%	83%

**2. Elk Point Marina, Lots 1-18, Oldfield Point Road, Concept Plat, CNA Engineers, Third Election District.**

Doug Kopeck, CNA Engineers, appeared and presented an overview of the project.

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

1. A SWM plan, Road & Storm Drain plan, Sewer & Water 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. All plans must be designed in accordance with the current regulations & ordinances.
3. With that in mind why have you chosen a private road with a 60’ wide Right of Way (ROW)? The standard ROW for a private road is 36’ also why propose a 24’ wide pavement especially within the Critical Area?
4. The Department has strong objection to running private septic lines as proposed here for Lots 10-12.
5. How do Lots 2-9 & 13-17 access the proposed Elk Point Road? Lots 11 & 12 extend between those lots and the road barring their direct access.
6. We strongly suggest that the Engineer meet with the Department to discuss how these issues can be resolved to the satisfaction of the Department prior to submitting this plat for Planning Commission review.
7. How do you propose to address SWM for this site? Water quality facilities within the IDA are required to meet the 10% pollutant load removal rule.
8. As stated above the SWM plan must meet the requirements of the May 4, 2010 Ordinance & current Maryland Department of Environment regulations. This includes the requirement to obtain concept SWM plan approval prior to submitting this plat to the Planning Commission for review

9. All SWM conveyance easements and/or inspection & maintenance easements must be shown on the preliminary and final plats.
10. A Protocol Three (3) Road Condition Survey and Improvements Plan is required for Oldfield Point Road along this development's road frontage. The information from this survey and will be used by the Department to determine what if any offsite road improvements will be required. This determination and agreement by the Developer must be complete prior to submitting the preliminary plat to the TAC.
11. At a minimum Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100' either side of the point of intersection between Oldfield Point Road and Elk Point Road. The improvements required must address roadside drainage issues and pavement distress at a minimum.
12. Acceleration and deceleration lanes have been reflected on the plat.
13. The Department of Public Works requires that any Road Code Variances for offsite/entrance roads sought must be requested and the major road issues are resolved, to the Department's satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.
14. Sight distance measurements (intersection & stopping), for the proposed access point on to Oldfield Point Road, must be submitted and approved prior to the preliminary plat submission for TAC review.
15. The Department has some concern about the horizontal curvature of Elk Point Road near the proposed intersection with Oldfield Point Road. Section 3.04 of the Road Code applies.
16. A traffic impact study will be required for this development.
17. All sewer lines running within the proposed 60' ROW must be shown on the preliminary plat submitted to the TAC.
18. The same applies to the proposed community potable water system.
19. The proposed potable water system must be designed to provide fire flow & pressure adequate for this development.
20. The access easement for the WWTP must be of sufficient width to accommodate the access road and any/all pipes proposed. The same applies to the water treatment plant.
21. 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:
  - 21.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 21.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 21.3 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 21.4 Requirements for Public Works Agreements.
  - 21.5 Requirements for Utility relocations.
  - 21.6 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 shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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. A Public Works Agreement is required for the proposed county road and all work done on Oldfield Point Road.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
1. *All driveways accessing them 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 proposed road 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, CCSCS, provided the applicant with soil maps and reports. Mr. Brown advised the applicant to contact SCS after they meet with DPW as the E&S will be integrated with SWM.

Mr. von Staden, DEH, read the comments of the department:

A Groundwater Appropriation Permit Exemption must be filed with Maryland Department of the Environment prior to final plat approval.

Submit a written description of the proposed use of the marina. The plat states “± 50 existing boat slips” and “15 boat slips to be repaired”. Does that mean 15 slips need repair and the other 35 are OK, or are 35 slips being removed?

Add a note that the existing well (s) will be abandoned and sealed by a licensed well driller and the existing septic tank (s) will be pumped and filled with earth prior to record plat approval.

Use 2009 soil types. Show percolation holes and data on preliminary plat. Sewage areas cannot be reviewed without percolation data.

Lots must connect house area to designated sewage area by a minimum 20' fee simple strip. Lot 13 proposes an easement only and cannot be approved as shown. Lots 10, 11 and 12 show 20' wide fee simple strips; however, the mechanism allowing the roadway over these strips is not clear. Nothing can constrain lot owners from working on sewer pressure lines that would be installed under the roadway when necessary. While it may be possible to arrange this without violating specific Health Department regulations, liability issues may arise (traffic damaging pressure lines, on lines damaging roadway).

The Stormwater Management Plan proposes infiltration berms. Any swales created must be 25' from designated sewage areas. Are the berms in the Critical Area Buffer?

Mr. Di Giacomo read the comments of Delmarva Power, MDE and Singerly Fire Company.

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

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: MB, SR, IDA (Critical Area), & RCA (Critical Area)

Density: The SR zone permits a base density of 1 du/ 1 ac., or 2/1 with community facilities. The MB zone, per §'s 54.4, 69, 70.3, 75.2, 76.2 and the Schedule of Zone Regulations, permits various types of residences under various circumstances and conditions.

As cited in Site Data Note # 8, this proposal<sup>6</sup> will require the rezoning of the MB portion of the site to SR. As the Planning Commission cannot approve Concept Plats for development proposals that are in direct conflict with what the Zoning Ordinance permits, until the rezoning is successfully completed, OPZ will not accept a Concept Plat for review by the Planning Commission.

In addition, General Note #13 indicates that a Variance will be sought to create lots on the proposed private road, Elk Point Road. That must be done prior to Final Plat review, but it is recommended to be accomplished as early in the process as possible.

Further, while this appears unlikely, should the 100-year floodplain boundary change, and, as a result, any dwelling sites were to find themselves within a revised floodplain boundary, then, in that case, those affected dwelling sites could be approved, but only pursuant to the provisions of §241.2.d (1).

In the proposed and existing SR zone, this Concept Plat proposes 18 lots on 76.326 acres, for a proposed density of 1/4.240. Currently, the SR-zoned area of the site is coterminous with its RCA overlay zone, which permits the density of only 1 du/ 20 ac. For that area, only two dwellings are proposed on 48.331 acres, for a proposed density of 1/24.166 – which is consistent with that permitted in the RCA.

In the current MB zone, this Concept Plat proposes 16 dwelling units on 27.995 acres, for a proposed density of 2.5/1. Per § 75.2, the density is limited to 4/1, and the MB-zoned portion of the site is coterminous with its IDA overlay zone, which permits the density of the underlying zoning district. However, per §54.4, Table of Permissible Uses, dwellings are permitted only with conditions, however, §69 clarifies that detached dwellings are permitted in the MB zone, “provided that the dwelling is for the owner, operator, or employee of an on-site business.” Thus, the required re-zoning to SR.

§4.0.13 (b) requires that the block, or grid, number be provided in addition to the tax map and parcel numbers. The block, or grid, number shall be provided on any future plans. That requirement relates to Tax Map grids, not to ADC map grids.

Critical Area Growth Allocation will not be required.

The previous proposed design used the “lotominium” concept. These appear to be fee-simple lots, not lotominiums. Is that correct? Mr. Kopeck said yes.

There is precedent for split lots. In this case, however, it appears, and it is somewhat difficult to read, but it appears that the plat shows lot shapes that encompass the proposed Elk Point Road right-of-way, and there is no precedent for that.

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<sup>6</sup> On 15 September 2009, the previous iteration of the Elk Point Marina Concept Plat was disapproved by the Planning Commission, based on:

- 1) The following planning staff's comment: “§175.3.c.1 requires 10,000 ft<sup>2</sup> of subsurface disposal area to be set aside for each dwelling unit, and 626,253 ft<sup>2</sup> have been planned to serve only 62 proposed dwelling units.” This project is proposing 75 units;
- 2) The non clarification of the lot size could affect the layout and density;
- 3) The removal or changing of the current road that lies within the 110' buffer area would affect the layout; and
- 4) The CBCAC comments regarding the “strongly recommended” 300' buffer would seriously alter the density and also require a change in the layout.

A disapproved Concept Plat has no status, or standing.

An existing cemetery is shown between proposed units 2 & 3. §93 requires a Bufferyard standard C between the burial plot(s) and all lot lines. ART. 27, §267 of COMAR covers abandoned cemeteries. How will access to the cemetery be effectuated via the proposed private road?

Any proposed signage or fencing associated with the cemetery must be included in the public works agreement.<sup>7</sup>

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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>8</sup>

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

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

The 100-year floodplain boundary has been clearly labeled, in conjunction with a legend.

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. A Variance could possibly be required, per §195.3.b & c, should the Buffer need to be expanded.

At 7/2/08 TAC review, Mr. Kopeck provided a copy of documentation submitted to MDE for bulkhead repair & maintenance, and testified that this marina had been in continuous operation. The boat launch & slips details must be consistent with §'s 169 & 198.

What effect will the parking area for 20+ cars with boat trailers have on the lot coverage calculations?

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

The habitats of any rare, threatened, and endangered species must be avoided. The concentric protective zones associated with the bald eagle's nest on the adjacent property have been shown.<sup>9</sup>

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<sup>7</sup> This is based upon the Meadow Run precedent, 6/30/97.

<sup>8</sup> 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 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>9</sup> If seasonal perc tests are required, then that portion of the subsurface discharge area that is within a date-constrained protective zone could be problematic.



15% common open space is required, and though common open space is depicted, its precise acreage is not cited among the Site Data Notes or the Lot Area Table. Any Concept Plat that does not clearly, quantitatively demonstrate compliance with §25.3.a cannot be approved. 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 calculations again must be included on any Preliminary Plat.

The SR zone requires 20% landscaping (of the development envelope); 25%, in the MB zone.

Sidewalks are not recommended, so as to reduce the amount of lot coverage (impervious surfaces).

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

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 the proposed private Elk Point Road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard & street tree requirements.

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

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 lot coverage (impervious surface) in the RCA or LDA. No more than 20% of the forest or developed woodland may be removed.

In the IDA, §199.4 mandates demonstration that Best Management Practices for stormwater to assure a ten percent reduction of pre-development pollutant loadings. The community boat slip details, per §291, including proposed parking & impervious surfaces, must be included on the Preliminary Plat.

In the critical area, no structure shall exceed 35' in height.

The FSD/Conceptual Environmental Assessment was approved on 8/19/08. The revised EA has been submitted. It and the SWM Concept Plan both must be approved prior to the submission of a Concept plat for review by the Planning Commission.

The Critical Area Commission has expressed a number of concerns, which can possibly be addressed at the Preliminary Plat stage. The possible approval of the Concept Plat neither guarantees subsequent approvals nor obviates the need to address all concerns and issues.

A minimum 200' Buffer is required in the RCA. The 300' Buffer cited in previous CBCAC correspondence is moot since a Growth Allocation would not be required to achieve this proposal, as designed.

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

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

A Landscape Agreement must be executed prior to recordation.

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

The 'Typical Lot Layout in IDA Portion of the Property' schematic attempts to provide the proposed lot dimensions, as required by §4.0.13 (j). However, the §4.0.13 (j) requirement is not limited to just the IDA portion, in which no 2 proposed lots are exactly alike. Lot dimensions should be added.

The proposed road name, Elk Point Road, 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 being placed in escrow for improvements prior to recordation.

This plat depicts protective, concentric zones for bald eagles' nests on the adjacent Chesapeake Cove subdivision.

In the review and approval process for Chesapeake Cove, in a DNR letter dated 9/8/06 (received by OPZ on 9/28/07), Lori Byrne, Environmental Review Coordinator, spoke to the necessity of establishing a 3-zoned, ¼ mile radius protection area for the bald eagle's nest.<sup>10</sup>

In a 10/1/07 letter, the Planning Director wrote that OPZ found<sup>11</sup> that "the plats ... must show the required protective zones," and advised that the applicant had 15 days from receipt to file an appeal with the Cecil County Board of Appeals. None was filed.

Subsequently, at a 10/11/07 meeting, it was agreed that language regarding the protection of the eagles' nests could be added to the plat in lieu of the zones' depiction. A 10/19/07 letter from the applicant's counsel proposed said language, which, found to be satisfactory was included in two notes on sheet 1.

Moreover, the protective language used on the adjoining Chesapeake Cove subdivision Record Plats would suffice, rendering the depiction of the protective, concentric zones on this plat unnecessary:

"Active bald eagle nesting trees were identified at these locations on the adjoining Chesapeake Cove subdivision when this plat was prepared. The then current state and County bald eagle habitat protection guidance recommended development of restrictions on construction within a ¼ mile radius of bald eagle nests between December 15 and June 15. See the Environmental Assessment report

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<sup>10</sup> That letter stated that the nest is on an adjacent property, but thus and previous submittals have shown it to be on the subject property.

<sup>11</sup> As stated in the referenced letter, the finds was "based on Article IX, Section 174.6 of the Zoning Ordinance; Article II, Section 2.4.2 (e) of the Subdivision Regulations; Article IV, Section 4.2.13 (x), 4.2.13 (y), 4.2.13 (z) of the Subdivision Regulations; Article VII, Section 7.5.2 (d), 7.5.2 (e) 3, 7.5.2 (h) of the Subdivision Regulations; and Section 9.3 of the Cecil County Critical Area Program."

filed with the Cecil County Office of Planning and Zoning for the restrictions devised for the six affected lots (Lots 1, 2, 3, 4, 10, and 18).

So long as the nest remains active, initiation of house construction activities and forest clearing within the Zone 3 protection area (between 660 and 1320 feet of the nest) between December 15<sup>th</sup> and June 15<sup>th</sup> are restricted. Construction substantially underway on or before December 15<sup>th</sup> may continue throughout the restricted period. Construction shall be deemed substantially underway upon Cecil County's: (a) issuance of a building permit; and (b) approval of the foundation inspection.”

§4.0.13 (c) requires that in the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.

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

While the applicant is reminded of the 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month, the applicant is also again reminded that the MB portion must be rezoned to SR, and the SWM Concept Plan and the revised Environmental Assessment must be approved, prior to the Concept Plat's submission for review by the Planning Commission.

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	433	776	1138
Capacity	501	712	1009
% Utilization	86%	109%	113%

The June TAC meeting adjourned at 10:38 a.m.

Respectfully submitted,

*Jennifer Bakeoven*

**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE**  
**Wednesday July 7, 2010, 9:00 a.m.**  
**County Administration Building**  
**200 Chesapeake Blvd., Elkton, Maryland**

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Latham, Cindy (MDE), Davis, Gary (SHA) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), West, Janel (CCPS), Brown, Chris (CCSCS), Meaders, David (FA) and Graham, Daniel (Citizen's Rep.).

**1. Village of Stoney Run, 1125 Units, Baron Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Fifth Election District.**

Phil Toliver, Morris & Ritchie Associates, Inc., appeared and presented an overview of the project.

Mr. Davis, SHA, read the comments of the department. See file.

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

1. A SWM plan, Street and Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. This project was granted an environmental site design waiver on April 28, 2010 allowing the SWM and E&S Control plans to be designed under the requirements of the storm water management ordinance in effect as of May 4, 2009. The applicant is reminded that the waiver shall expire and will not be extended if the development does not receive "Final Approval" of the SWMP by May 4, 2013 or if substantial construction associated with all eleven storm water facilities, in the judgment of the Department of Public Works, has not been completed by May 4, 2017.
3. The Department understands that the water distribution system in this development will be a private system provided by Artesian Water Company. The water distribution system must be designed to meet or exceed the County's standards. This includes providing adequate fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution. Has the serving fire company reviewed & approved all fire hydrant spacing and locations provided on this plat? Mr. Toliver said no. The serving fire company must approve the layout prior final construction drawing approval... Private utility easements will be required for all water lines run in County ROW. 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. The Traffic Impact Study dated 4-1-10 was submitted to the Department and is under review.
5. While there have been discussions with Traffic Concepts, Inc. about the impact this size subdivision will have on traffic movement at the Palisades Drive entrance, the Department still requires a formal submittal of a queuing analysis of this principal access point based on the 1125 dwelling units proposed.
6. In regards to off-site road improvements on both Baron & Nazarene Camp Roads, the nine (9) items identified in the Department's 6-15-10 letter must be satisfactorily addressed prior to our recommending preliminary plat approval to the Planning Commission.

7. The Department of Public Works has granted (6-12-10) a Road Code Variance from Standard Detail R-14 (residential Cul-de-sac). No other variances having been sought and/or approved therefore, the applicant will be held to all other applicable requirements as identified in the Cecil County Road Code.
8. The Department's previous opposition to the proposed Emerson Lane access on to Baron Road is withdrawn. Adequate sight distance has been substantiated for this access point. In addition, the developer's engineer is working with our Engineering Services Division to coordinate this access point with the Baron Road improvements proposed in the Department's CSX Bridge project.
9. In regards to providing an additional access Savannah Lane as proposed provides a revertible easement allowing future access to Razor Strap Road via Parcel 548. With this connectivity Savannah Lane must be a collector townhouse road with 38' wide ROW as shown.
10. As the Department requested connectivity to the Jansen property (Parcel 526) has been reestablished.
11. The Department's concern over the geometry of the "U" shaped loops. As well as the "P" loop (see Standard Detail 14A) and traffic island at Elk Court has been addressed to our satisfaction and are considered acceptable as shown.
12. Adequate off-street parking is always a concern especially in townhouse developments. While needing to address the requirements of ESD on any site legitimate issues of adequate access for emergency services vehicles remain important the Department. In that regard we're concerned over this proposal's 32 fewer spaces than the last proposal provided.
13. Pre-design geotechnical evaluation and borings at stream and wetlands crossings of any proposed road are required along with specific remedial recommendations for subsurface drainage and street sub grade placement.
14. The structure for the Palisades Drive crossing of the unnamed intermittent stream must be designed to pass the 100 year storm without overtopping the road. Its design must be included in the road & stormdrain design plan submitted for approval. A re-mapping of the on-site 100-year flood plain and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.
15. All proposed culvert structures under Savannah Lane must be approved as part of the road plan approval passing the 25 year storm without overtopping.
16. The standard fee simple ROW dedication note is required for the Baron & Nazarene Camp Road frontages.
17. Have you analyzed the existing sanitary sewer main from the proposed point of connection to the Washington Street Pump station to determine if adequate capacity exists in the line? Mr. Toliver said yes. This analysis must be submitted prior to the sanitary sewer plan submittal. The County has an I&I issue on this line.
18. The 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. Until allocation has been granted the developer proceeds with any and all project engineering at his own risk.
19. Connection to the Stoney Run Interceptor line will be the developer's responsibility including obtaining all required easements and the installation of the sewer main between the site and the main. The applicant is also responsible for all costs in doing so.
20. The preliminary layout of the proposed subdivision sewer system required at Concept Plat review by the Planning Commission was received by the Department on 4-22-10.
21. No pump station was indicated on the preliminary utility layout submitted however, if during design any are determined to be necessary they must be located on a lot dedicated in fee simple to

the Cecil County BOCC and shown as such on the final plat submitted for Planning Commission review.

22. All sanitary sewer lines located outside of County ROW or deeper than 18' must be ductile iron per Section 2700 of the Standards, Specifications and Detail for Water Mains & Sewer Mains.
23. 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:

- 23.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 23.2 Compliance with Section 251-13 of the Cecil County Stormwater Management Ordinance.
- 23.3 Requirements for Utility relocations.
- 23.4 Requirements for Public Works Agreements.
- 23.5 Requirements for Stormwater Inspection and Maintenance Agreements
- 23.6 Requirements for County Roads.
- 23.7 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 the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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.
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 and county streets & storm drain 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. All curves must comply with the Road Code (Section 3.04).The internal street grade may not exceed 5% within the limits of the intersection right-of-way.
7. To the maximum extent possible 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. von Staden, DEH, read the comments of the department:

An allocation for public water and sewer must be granted prior to final plat approval. Permits for any sewer pumping stations or public water system upgrades must be approved by Maryland Department of the Environment prior to final plat approval.

Final and Record plats are required to have the following statements:

1. Public water and sewerage will be available to all lots offered for sale (by owner's signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department's signature).

Plans for the swimming pools and nursing care facilities must be approved by the Department of Health and Mental Hygiene prior to site plan or building permit approval.

Mrs. Latham, MDE, read the comments of the department:

1. Appropriation - Considering to proximity of the proposed site to the service area of Mountain Hill Water Company, which is owned by Artesian Water Company, it is assumed to be the proposed source. Mountain Hills's water appropriation and use permit (CE2006G005) allows an annual average use of 297,000 gpd and a maximum monthly use of 496,000 gpd from two wells in the Lower Potomac aquifer. This appropriation is dedicated to serving Principio Business Park and Charlestown Crossing Subdivision, both of which are currently under construction. At the time the permit was issued, the available drawdown in the aquifer was 31 feet. It was projected that full use of the permit would decrease available drawdown to about 22 feet. There is not enough available drawdown in the area to consider substantial increases in the permit.
2. Capacity - The two wells on the Mountain Hill permit have a total yield of about 145,000 gpd, which is not enough water for the currently committed service area. No application has been made to add additional wells to the water appropriation permit.
3. Consistency with Water & Sewerage Plan – Water service to this project by Mountain Hill Water Company/Artesian does not appear to be consistent with the current comprehensive water and sewerage plan.

Mr. Di Giacomo, provided the applicant with a copy of the map & soil reports from CCSCS and the comments provided by Delmarva Power.

Mr. Di Giacomo stated that comments were not received from the Citizen's Representative or the Fire Chief's Representative.

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

This project is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: RM

Density: With community facilities, the RM zone permits a density of 12/1 for townhouses and 16/1 for apartments.

The Concept Plat, proposing 287 townhouses, 672 apartment units, and approximately 166 assisted living units on 136.76 acres at a proposed density of 8.23/1, was approved on 4/19/10, conditioned on:

- 1) Any necessary DPW requirements relating to SWM being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A Traffic Impact Study(TIS)'s being updated prior to the TAC's Preliminary Plat review;
- 3) The revised PFCP's being approved prior to Preliminary Plat review by the Planning Commission;
- 4) The water provider issue's being resolved prior to Final Plat review;
- 5) The Board of Appeals granting a Special Exception for a nursing care facility in the RM zone prior to Final plat approval;

- 6) The Preliminary Plat's showing the 100-year floodplain based on field-run topographic information; and
- 7) Two entrances being required for emergency response vehicle access.

Note # 18 of the approved Concept Plat indicated that the boundary line survey had been completed by Thompson & McCord Associates, LLC, while Note # 18 on this Preliminary Plat indicates that it was by Thompson and Associates. Either way, there is no signed and sealed copy of the boundary line survey in the file.

Is the P.L.S. signature and seal on this plat attesting to the accuracy of the 'Thompson' boundary line survey? Mr. Toliver said yes. If not, then a copy of the signed and sealed 'Thompson' boundary line survey must be submitted prior to the submission of the Preliminary Plat for Planning Commission review. If so, then Note # 18 requires modification.

§4.1.22 (r) requires the total number of lots, the area of lots, the density, the total area and types of right-of-way dedicated, and total area of subdivision to be indicated in table form.

The Lot Area Table in the lower left-hand corner contains only the first two information and data sets. Site Data Note # 3 cites the total subdivision area, Site Data Note # 11 cites the density, but the total area and types of right-of-way to be dedicated could not be found.

Unless all of the data and information required by §4.1.22 (r) is indicated in table form, staff will be unable to recommend approval if and when a Preliminary Plat is submitted for review by the Planning Commission.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>1</sup>

Areas of steep slopes have been shown.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'<sup>2</sup>.

The 100-year floodplain has been shown. Note # 19 now indicates that the 100-year floodplain boundary was determined by MRA rather than being taken from a FEMA Panel, as was a condition of Concept Plat approval. Thus, this plat is consistent with the requirements of §4.1.22 (i) & §4.1.22 (p).<sup>3</sup>

Per the DPW comments, the 100-year floodplain boundary may need to be revisited.

Stream and wetland buffers have been depicted.

<sup>1</sup> 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 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>2</sup> If necessary, consistent with §174.1.b (1) (a) & (b), since this property is located in the Development District, as defined by the Cecil County Comprehensive Plan, the Planning Commission may waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better.

<sup>3</sup> §241.2.d(1), §241.2.d(2), and §241.2.e(1-3) of the *Cecil County Zoning Ordinance*, §4.1.22(h), §4.1.22(i), §4.1.22(p), and §7.5.1 of the *Cecil County Subdivision Regulations* mandate that floodplain information be included on Preliminary Plats, and §239.1.b and §239.2.a-b of the *Zoning Ordinance* further require an **accurate determination** of the floodplain boundaries.



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

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

20% common open space is required for the townhouse section; 20% open space is required for the apartment and assisted living sections. An aggregate of 62.07% is proposed.

As stated at Concept review, the C.O.S. sensitive areas thresholds must be calculated and included on the Preliminary 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.

Those threshold calculations could not be found on the plat. Without them, staff would be unable to recommend Preliminary Plat 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.

If the proposed overflow parking spaces in common open space in the townhouse section been included in the cited 42.3 acres of common open space, then their area/acreage must be deducted from the C.O.S. total.

Likewise, the parking area in the apartment and assisted living sections would need to be deducted from the open space total acreage.

All common open space must be labeled and referenced as "common open space."

Sidewalks are recommended on both sides of all internal roads.

A minimum 25% landscaping is required in the RM zone. The required (§29.5.a (2)) 25' peripheral Bufferyard standard C has now been shown. No parking areas, roadways, or accessory structures shall be permitted in the 25' planted bufferyard.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. The applicant is cautioned that the details of street tree plantings in the townhouse section need to be finalized in advance of any Landscape Plan approval. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements,

but they still must be labeled. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

The FSD was approved on 2/6/07.

A PFCP was previously approved on 7/11/07. A revised PFCP and SWM Preliminary Plan (unless grandfathered) must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

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

A Landscape Agreement must be executed prior to recordation.

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

The old Traffic Impact Study(TIS)'s being updated prior to the TAC's Preliminary Plat review was a condition of the 4/19/10 Concept Plat approval. Actually, an updated TIS, dated 4/1/10, had been received on 4/5/10.

On 6/3/10 Mr. Caloggero requested that the applicant be permitted to submit today's Preliminary Plat for TAC review. The problem was that since the SHA had not provided their "SYNCHRO" model for the update and to identify road improvements and contributions,' the above condition could not yet be met, and the project's review would be delayed.

Staff determined that, in fact, SHA had not provided the "SYNCHRO" model. Therefore, for the sole purpose of being able to submit the Preliminary Plat for TAC review, given the 4/1/10 TIS, less the SYNCHRO model input, the TIS condition of approval would be considered having been met. Thus, the Preliminary Plat's review today.

However, the completed TIS, with the SYNCHRO model input, would need to be completed prior to the Preliminary Plat's review by the Planning Commission rather than the TAC.

The proposed Savannah Lane cul-de-sac suggests possible, future access to the lands of the Montgomery Brothers. Mr. Montgomery has indicated to OPZ that he is amenable to allowing access through the Montgomery Brothers' property out to Razor Strap Road, so long as the Montgomery brothers do not have to construct the road.

Additional access is desirable from the emergency response and planning perspectives.

Sight distance must be confirmed for the proposed Emerson Lane entrance onto Barron Road. Mr. Woodhull stated that this has been established and is acceptable to the department.

Does the applicant have any updated design information on connectivity from Navarene Camp Road onto MD 272? Mr. Toliver stated that he has been in contact with Clark Turner Companies.

Road names have been approved.

An unnamed stub road shows connectivity (per §7.2.12.B.2 & §7.2.12.B.3) to the Lands of Jansen.<sup>4</sup>

As was stated at Concept review, ‘The “Typical Townhouse Lot Layout” schematic shows access to townhouse rear yards. While fee simple access is always preferable, the Preliminary and Final Plats must clearly show the easements. In addition, such easement may be impossible to effectuate in areas such as Tupelo Court.’ This Preliminary Plat simply duplicates the schematic and does not clearly show the easements.

The “Typical Townhouse Lot Layout” schematic satisfied the requirements of §4.0.13(j) with respect to dimensions, as relates to Concept Plat requirements. Reflecting the Preliminary Plat’s being the most detail-intense, §’s 4.1.22 (j), (l), and (n) require dimensions – which could not be found on this plat.

All aspects of the design and layout must conform to appropriate elements of §29.

This project is on the Planning Commission’s 7/19/10 agenda, as an information item. Inasmuch as the TAC advises the Planning Commission, please explain the nature of the modification proposed to be broached and in what way(s) the revised design would be different from what is before us today. Will the modification adversely affect access to townhouse rear yards?

Per Site Data Note # 12, the number of proposed parking spaces is consistent with §’s 274 & 277 of the Zoning Ordinance.

Fire hydrant locations must be finalized in consultation with the North East Volunteer Fire Company and DPW. The fire hydrant graphic must be added to the Legend.

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

For the townhouse section, a Homeowners’ Association for maintenance of common open space must be established with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

In the apartment & assisted living sections, the open space would not be owned by an HOA.

As stated at Concept review, the details of the assisted living section component of the projects can either be included in the Preliminary Plat or submitted as a separate site plan. Either must conform to the requirements of Appendix A, and any site plan must be approved prior to the approval of the project’s Final Plat. Since those details are not now provided, the applicant is locked into the separate site plan approval scenario.

A site plan will also be required for the club house/pool area.

Should this development proposal be approved and built, and should, at some future point in time, the apartments be converted to condominiums, then, in that case, a revised Preliminary Plat (condominium Preliminary Plat/ Site Plan) would need to be approved, consistent with the condominium approval process that has been established by the County.

The Master Water and Sewer Plan classifies this site as W-1 and S-1.

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<sup>4</sup> The Stoney Run Creek Estates Concept Plat was approved on 3/19/07 and extended on 3/16/09. It expired on 3/19/10 and no longer has any standing.

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.

Written verification of water allocation and sewer allocation must be received prior to Final Plat review. Otherwise, a Final Plat cannot be approved. Artesian Water is cited as the water service provider, however the Board of County Commissioners has not granted a franchise for that area – which is in the Town of North East’s water service area.

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 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month. As previously mentioned, the project is on the Planning Commission’s 7/19/10 agenda as an information item.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	621	776	1138
Capacity	608	712	1009
% Utilization	102%	109%	113%

The July TAC meeting adjourned at 9:37 a.m.

Respectfully submitted,

*Jennifer Bakeoven*

**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE**  
**Wednesday, August, 4 2010, 9:00 a.m.**  
**County Administration Building**  
**200 Chesapeake Blvd., Elkton, Maryland**

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Latham, Cindy (MDE), Brown, Chris (CCSCS) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Langford, Ariana (CCPS), Meaders, David (FA) Graham, Daniel (Citizen's Rep.) and Davis, Gary (SHA).

**1. Lum's Estates, Lot 7A, Section 2, Walton Lane, Concept Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.**

Will Whiteman, Land Surveyor and Ron Carpenter, Carpenter Engineering, appeared and presented an overview of the project.

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

1. The concept SWM plan must be approved prior to the applicant submitting the concept plat to the Planning Commission for review. The fees for this concept plan design review were provided with the first design submittal.
2. The proposed lot is located on a private mini road and as such the deed language should reference the rights & responsibilities of the property owner in this regard.
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 Section 251-13 of the Cecil County Stormwater Management Ordinance.
- 3.3 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 (a.) and the Lot Grading Plan must include the standard construction limits note (b.).
  - 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 plans will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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.
3. An Inspection & Maintenance Agreement, covering any and/or all private SWM BMP's required for this project, must be executed prior to the Department signing the final plat.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. Mr. Brown asked the applicant if the ESD Plan had been submitted to the CCSCS. Mr. Carpenter said that it has been submitted.

Mrs. Latham, MDE, stated that a notice of exemption will be part of the Final Plat application.

Mr. von Staden, DEH, read the comments of the department:

The Concept Plat is satisfactory. Submit a written request for a well variance.

The Health Department has reviewed the Concept Stormwater Management Plan. The Health Department has no objection to the proposed grading and stormwater management practices, however, our office cannot sign a plat giving Health Department approval for 1 year. COMAR 26.04.03 states that Health Department approval of subdivision plans is limited to 6 months, with provisions for written requests for extensions for no longer than 12 additional months. The Health Department signature block should read *“This stormwater management plan has been reviewed and accepted by the Cecil County Health Department”*

Mr. Di Giacomo stated that SHA, the Citizen’s Representative, Delmarva Power, CCPS and the Fire Chief’s Representative had no comment for this project.

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

Upon inspection, this proposal was found to be in compliance with §3.9.1 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. The original subdivision consisted of 250.987 acres, with 9 lots. The Final Plat was approved on 7/17/79, with the Section 1 Record Plat being signed on 7/23/79, and the Section 2 Record Plat signed on 8/7/79.

Section 2 consisted of Lots, or ‘Parcels’, 1, 2, 3, 6, 7, 8 and 9. Section 1 consisted of Lots, or ‘Parcels’, 4 and 5. Section 1 Lot 5 was further subdivided to create 5 lots, bringing the total number of lots to 13. The Section 1 Record Plat (Note # 9 states: “The parcels shown hereon cannot be further subdivided.”) was signed on 9/27/83.

Subsequently, a resubdivision was approved to add 4.5 acres from Parcel 4 to Lot 5 of the old Parcel 5. No new lot was created, so the total remained at 13.

The vicinity map on the Concept Plat submitted for today’s review shows the add-on to Lots 4 and 5; however, the signed Record Plat indicates the add-on to Lot 5 only.

Subsequently, in a resubdivision in Section 2, Lot 2 was divided into “Parcel 2 and Parcel 1A” “whereby the southerly portion of Parcel 2 ...” was “... acquired by the ... owner of Parcel 1.” A note on the Record Plat, signed on 3/2/84, states: “Application is hereby made for your approval of the indicated transfer of land solely for adding to adjoining holdings and not for development. Any future subdivision of this land or building development will be submitted in the regular manner for approval in accordance with the existing ‘subdivision regulations.’”

Although Lot 1A remains separate and distinct from Lot 1, as it was not created as a buildable lot, the lot count remained at 13.

This Concept Plat proposes one additional lot, the 14<sup>th</sup> on the Lum's Estates' original 250.987 acres, for a proposed density of 1/17.93.

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

If the recomputed property line would amend the previously recorded plats, than the title should reflect that. What is the net effect of the recomputed boundary line on parcel 3, the Benjamin property, and would, because of that, the Benjamin's be required to sign the Final and Record Plats. Mr. Whiteman stated, in his opinion, the markers shown, clearly is the boundary line marker. The Benjamin's are occupying to the north of that line and the McGee's are occupying to the south. Discussion ensued.

The original Lum's Estates Final Plat was approved on 7/17/79, at which time: "Mr. Pugh advised that before any of the 5 lots on Walton Lane were subdivided further, Walton Lane would have to become a County Road and the Home Owners [sic] Association would have to agree to this."

As Lot 1A was not a building lot, the conversion of the mini road to a County Road did not then come into play with its creation.

§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.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>1</sup>

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

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

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

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<sup>1</sup> 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 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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

§25.3.a requires 15% common open space “for all subdivisions involving ten (10) or more lots.” If approved, then proposed Lot 7A would be the 14<sup>th</sup> lot.

15% of any 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. Any C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

Per Note #8, 20% landscaping of the development envelope is required in the SR zone.

No sidewalks are recommended.

A Bufferyard Standard C is not required, but Street trees with a 10’ planting easement are required, outside the right-of-way, along the Walton Lane mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the street tree requirements.

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

Per Note # 6, this project is exempt under §3.2K. What is the relationship (daughter?) between the applicant and the proposed lot owner? Selena McGee is the daughter of Willie and Alice McGee.

The Forest Stand Delineation (FSD) and SWM Concept Plan must (shall) be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

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

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

A Landscape Agreement must be executed prior to recordation.

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

As the Walton Lane mini-road already exists, the name does not need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

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

The 8/7/79 Section 2 Record Plat references the Lum’s Estates Maintenance Association, as well as the responsibility for “their fair share of maintaining all lots, storm drainage structures, [and] sediment and erosion control structures for in common with all other members” – the members’ being the owners of Lots “3, 6, 7, 8 & 9.” If approved, then how would proposed Lot 7A affect the HOA’s



Article of Declaration referenced on the 8/7/79 Section 2 Record Plat (e.g., amending terms, possible inclusion of common open space, etc.)? Mr. Whiteman said they are not proposing any common situation as far as stormwater management is concerned; it is strictly on lot.

Any necessary changes to the HOA's 'Article of Declaration' must be identified prior to Final Plat review by the Planning Commission and effectuated through recordation prior to recordation of the subdivision Record Plat.

Although the Section 2 Record Plat's references to the Lum's Estates Maintenance Association do not include the maintenance of the Walton Lane private mini-road, the 5 lots cited were those with direct access onto the mini-road. If approved, then the mini-road maintenance covenants must be revised to include proposed Lot 7A and recorded prior to recordation.

Consent by the other Walton Lane lot owners will be the sole responsibility of the applicant, and documentation thereof must be submitted prior to the Planning Commission's review of the Final Plat.

Contrariwise, if Walton Lane is proposed to be a County road, then documentation to the effect that the other Walton Lane lots owners actually agree to this must be submitted prior to the Planning Commission's review of the Final Plat.

What steps have been taken in regard to either of those possibilities? Mr. Whiteman said he believes his clients have no intention of changing Walton Lane into a county road.

Private mini-roads are limited to 5 lots, or 7 lots if two also front on a County Road.

From the perspective of road frontage, the Walton Lane mini-road now has 6 lots, not counting Lot 1A. If 1A is counted, then Walton Lane already has seven lots.

If proposed Lot 7A is approved, from the perspective of road frontage, then Lot 7A would be the seventh and final lot on Walton Lane.

From the perspective of mini—road access, the Walton Lane mini-road now provides road access to 5 lots – only one of which also fronts on a County road.

If proposed Lot 7A is approved, from the perspective of access, then Lot 7A would be the sixth and final lot on Walton Lane.

The Walton Lane Mini-road Maintenance Association must include the owners of proposed Lot 7A, unless the Road is to be converted to a County road. Has the applicant contacted DPW with regard to that possibility?

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 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	621	776	1138
Capacity	608	712	1009
% Utilization	102%	109%	113%

The August TAC meeting adjourned at 9:33 a.m.

Respectfully submitted,

*Jennifer Bakeoven*

**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE**  
**Wednesday, September 1, 2010, 9:00 a.m.**  
**County Administration Building**  
**200 Chesapeake Blvd., Elkton, Maryland**

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Brown, Chris (CCSCS) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Langford, Ariana (CCPS), Meaders, David (FA) Graham, Daniel (Citizen's Rep.), Latham, Cindy (MDE) and Davis, Gary (SHA).

**1. Lands of Helena duPont Wright, 1 Lot (Activation of Building Lot), Middle Neck Road, Preliminary Plat, Michael A. Scott, Inc., Second Election District.**

Donald Spray, Michael A. Scott, Inc., appeared and presented an overview of the project.

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

1. The SWM plan was submitted prior to the new ordinance taking effect and is currently under review. The SWM plan must be approved and all Inspection and Maintenance Agreements executed prior to the Department signing the final plat.
2. Sight distance submittals must be approved by the Department of Public Works prior to presenting the preliminary plat for review by the Technical Advisory Committee. We have not yet received the required sight distance measurements for the proposed access point onto Middle Neck Road. The Department will recommend disapproval of this plat to the Planning Commission until such time as we have received the sight distance submittal.
3. A driveway permit will must be obtained prior to construction of the proposed driveway for this lot.
4. The standard "Lot Grading" note must be included on the final plat or the Department cannot and will not sign the final plat. The wording of this note is as follows:  
*"A lot grading plan has been approved by the CCDPW for the construction shown here on. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown here on. Any change to the Forest Retention, Forestation, and/or Reforestation plans will require a consistency review, of the SWM approval, with CCDPW."*

Mr. Brown, CCSC, provided the applicant with soil maps and reports. See file.

Mr. von Staden, DEH, read the comments of the department:  
Show 10,000 sq. ft. of designated sewage area.

Show 2009 soils on survey.

A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment prior to final plat approval.

Mr. Di Giacomo read the comments from MDE.

Mr. Di Giacomo stated that comments were not received from Delmarva Power and the Fire Chief's Representative. The TAC Citizen's Representative received no comments and SHA had no comments due to this project not being located on a state highway.

Mr. Di Giacomo stated that the Critical Area Commission also sent comments on this project. See file.

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

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 20 ac. This Preliminary Plat proposes 1 lot on 103.079 acres, for a proposed density of 1/103.79. No actual subdivision is proposed; rather, the parcel is being activated as a building lot through the subdivision process. All minor subdivision potential has been exhausted.

The RCA zone also permits a density of 1/20 (90.320 acres are cited). The proposed Critical Area density is 1/90.32. The RCA's 15% lot coverage threshold applies.

The Concept Plat was approved on 11/16/09, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FFCP/Landscape Plan/Environmental Assessment must be approved prior to Planning Commission's review of the Preliminary-Final Plat;
- 4) Either the 110' Critical Area Buffer being expanded to 200', or the Critical Area Commission's recognizing this as a lot of record and allowing the 110' buffer;
- 5) The metes and bounds description of all Forest Retention/ Afforestation Areas being shown on the Preliminary-Final and record Plats; and
- 6) Any request for relief from the Bufferyard Standard C requirement along Middle Neck Road being granted, so as to better preserve the rural character.

The 4<sup>th</sup> condition of approval was satisfied when The Critical Area Commission staff agreed that, because COMAR 15.15.01.02-2(7) defines 'Subdivision' as follows: "means the division of land into 2 or more parts or parcels," the 200' Buffer implementation did not apply. Therefore, the 110' Buffer, with necessary expansions thereof, suffices.

Has the boundary line survey been completed? Mr. Spray said yes.

An environmental assessment is required to be approved prior to the Planning Commission's review of the Preliminary Plat. FIDS habitat must be avoided in the Critical Area.

The Forest Area note indicates that a total of 80.744 acres are forested.

No development is permitted in the tidal wetlands and tidal waters buffers, including septic systems, impervious surfaces, parking areas, roads, or structures, as noted in Note # 14.

A Critical Area Buffer, and expansions thereof, has been shown.

CBCAC comments relating to this project were received on 10/2/09, 11/10/09, 3/30/10 and 8/26/10. Copies have been provided to the applicant.

Per §200.6.b (2), no more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested (§200.6.a).

In the critical area, no structure shall exceed 35' in height.

As stated at the previous review, OPZ's GIS FEMA-based maps show the dwelling location to be located at least partially within the 100-year floodplain. We note # 18's contention that the site is located at Elevation 31 and outside the flood plain.

However, as stated at the previous review, the 100-year floodplain boundary must be shown on the plat submitted for review and possible approval by the Planning Commission. That is required, per §4.1.22(p). Therefore, it is neither a mere staff preference nor optional. Discussion ensued.

The septic reserve area also appears to be located in the 100-year floodplain.

Unless it can be empirically demonstrated that the FEMA-delineated floodplain is erroneous, then, per §241.2.d (1), this building site can be approved only after a Variance has been granted. What steps have been taken in that regard?

If the §241.2.d (1) variance application is successful, then the requirements of §243 must be strictly adhered to.<sup>1</sup>

On sheet 3 of 5, in the lower right hand quadrant, the depicted expanded Buffer appeared to be clipping the existing "woods lane." If the drawing's details were accurate, then it appeared that there may be enough room to adjust the road alignment without disturbing the forest. This issue has been resolved.

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

Steep slopes have been shown.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'.<sup>3</sup>

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<sup>1</sup> §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."

<sup>2</sup> 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 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>3</sup> In the Critical Area, the 160' maximum distance does not apply.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present.<sup>4</sup> Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

No common open space is required for fewer than 10 lots, and no landscaping of the development envelope is required in the SAR zone.

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

A portion of this project is exempt under §3.2B. The FSD/Environmental Assessment has been submitted but has not yet been approved. The FCP-Landscape Plan- Environmental Assessment must be approved prior to Planning Commission's review of the Final Plat (§6.3.B(1)(a), Forest Conservation Regulations).

Any Landscape Agreement must be executed prior to recordation.

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

A MALPF easement exists on this property. On 11/25/08, the MALPF Board of Trustees granted an exclusion for an owner's lot, with the agreement that "it would not be subdivided from the surrounding land."

Note # 16 must be corrected to state the SAR density to be 1:103.079.

Note # 17 seems to be at odds with the 11/25/08 MALPF Board of Trustees' exclusion for an owner's lot. At any rate, it can be said only that the potential for existing subdivision exists, absent the MALPF easement.

The contiguous operating farm notice has been provided on the plat as Note # 13.

School information:	Elementary	Middle	High School
	Ches. City	Bo Manor	Bo Manor
FTE	315	479	740
Capacity	353	601	643
% Utilization	89%	80%	115%

The September TAC meeting adjourned at 9:21 a.m.

Respectfully submitted,

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<sup>4</sup> In the critical Area, intermittent tributary streams require a 110' buffer.

*Jennifer Bakeoven*

**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE  
MEETING AGENDA  
Wednesday, October 6, 2010  
9:00 a.m.  
County Administration Building  
200 Chesapeake Blvd. Elk Room, Elkton, MD 21921**

Due to a lack of agenda items, there was no October 2010 meeting of the Technical Advisory Committee.



**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE  
MEETING AGENDA**

**Wednesday, November 3, 2010**

**9:00 a.m.**

**County Administration Building  
200 Chesapeake Blvd. Elk Room, Elkton, MD 21921**

Due to a lack of agenda items, there was no November 2010 meeting of the Technical Advisory Committee.

**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE**  
**Wednesday, December 1, 2010, 9:00 a.m.**  
**County Administration Building**  
**200 Chesapeake Blvd., Elkton, Maryland**

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Brown, Chris (CCSCS), Davis, Gary (SHA), Graham, Daniel (Citizen's Rep.) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Langford, Ariana (CCPS), Meaders, David (FA), Latham, Cindy (MDE).

**1. Lands of Ulysses G. McCoy, Lots 1-3, Rowland Road, Concept Plat, Will Whiteman Land Surveying, Inc., Seventh Election District.**

Will Whiteman, Land Surveyor, appeared and presented an overview of the project.

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

1. It appears that this subdivision creates lots around existing dwellings. If there is no new development proposed with this subdivision it is exempt from Stormwater Management (SWM) under Article III, section 251-5 C. of the SWM Ordinance.
2. If this is the case add a note to the plat that details this exemption for the purpose of land transfer only and that any future development on any of these lots will require a SWM review.
3. If this is not the case SWM must be addressed for this subdivision in accordance with the current SWM Ordinance.

Mr. Graham, Citizen's Representative, stated that he received concerns of further subdivision of this property.

Mr. Brown, CCSCS, read the comments of the department:

- If no construction is proposed, the site will not need Erosion and Sediment Control plans approved by the Cecil Soil Conservation District.
- Due to the scope of the proposed project, soil maps and soil limitations have not been provided.
- The Cecil Soil Conservation District recommends approval of the Concept Plat.

Mr. von Staden, DEH, read the comments of the department:

A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment prior to Final Plat approval.

Plat is satisfactory.

Mr. Davis, SHA, had no comments.

No comments were received from the Fire Chief's Representative.

Comments from MDE are as follows:

A notice of exemption will be required for final plat.

Comments from Delmarva Power are as follows:

A pole line with overhead electric extends along Rowland Rd from Dr. Jack Rd to Rock Run creek.

Mr. Di Giacomo read the comments from CCPS. See file.

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

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 10 ac. This Concept Plat, which must cite Minor Subdivisions 2469, 2529, 3274, 3531, and 3751, proposes 3 lots on 230.899 acres, for a proposed density of 1/57.7247.

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

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>1</sup>

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

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

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

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<sup>1</sup> 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 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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 Dr. Jack and Rowland Roads.

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 plat indicates that this project is exempt, per §3.2K. Why? Mr. Whiteman said the land is being conveyed to a grandchild of the owner. Mr. Di Giacomo stated that per §3.2K, grandchildren are not included.

The Forest Stand Delineation (FSD) and SWM Concept Plan must (shall) be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

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

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month.

School information:	Elementary	Middle	High School
	Conowingo	Perryville	Perryville
FTE	567	597	846
Capacity	534	860	944
% Utilization	106%	69%	90%

**2. Elk Point Marina, Lots 1-18, Oldfield Point Road, Preliminary Plat, CNA Engineers, Seventh Election District.**

Doug Kopeck and Chris Mink, CNA Engineers, appeared and presented an overview of the project.

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

1. All plans must be designed in accordance with the current regulations & ordinances. As such the SWM plan must meet the requirements of the May 4, 2010 Ordinance & current Maryland Department of Environment regulations. This includes the requirement to obtain concept SWM plan approval from the Department of Public Works prior to submitting this plat to the Planning Commission for review.
2. Road & Storm Drain plan, Sewer & Water 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. Lots 2-9 & 13-17 will be subject to the proposed ingress & egress easement called out on the plat. Their deeds must clearly identify the rights & responsibilities associated with this easement. As well the deeds for Lots 10, 11 & 12 must do likewise as the grantors of this easement.
4. A Protocol Three (3) Road Condition Survey and Improvements Plan for Oldfield Point Road along this development's road frontage has been submitted. The Department has reviewed the information from this survey and concurs with its conclusion that the improvements required will be adequately addressed by the requirements of Section 3.07. 15 of the County's Road Code. Section 3.07.15 directs that Oldfield Point Road must be upgraded for a distance of 100' either side of the point of intersection between Oldfield Point Road and Elk Point Road. The improvements required must address roadside drainage issues and pavement distress at a minimum.
5. Acceleration and deceleration lanes have been correctly shown on the plat.
6. The plat indicates that a 60' wide fee simple ROW currently exists along this developments frontage on Oldfield Point Road. If this is correct no further road frontage dedication will be required.
7. The Department of Public Works requires that any Road Code Variances for offsite/entrance roads sought must be requested and the major road issues are resolved, to the Department's satisfaction and shown on the preliminary plat submitted to the Technical Advisory Committee.
8. Sight distance measurements (intersection & stopping), for the proposed access point on to Oldfield Point Road, have been submitted but not yet approved. You may refer to the Department's 22 November 2010 letter for our comments. The issue of sight distance for the proposed entrance was to be resolved to the Department's satisfaction prior to the preliminary plat submission for TAC review. However we received the submittal on 12 November 2010, a Friday only five (5) calendar days or more precisely two (2) business days prior to your TAC submittal on Wednesday 17 November 2010. We cannot and will not recommend approval of the preliminary plat to the Planning Commission until we have approved this development's sight distance measurements.
9. All sewer lines running within the proposed 60' ROW must be shown on the preliminary plat submitted to the TAC.

10. The combining in one easement of SWM & street trees would seem to indicate that contractor could plant trees anywhere within the SWM swale. We do not want to see trees in the trapezoidal swale used for SWM treatment and we do not recommend any trees being placed between the road and the centerline of the swale.
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:
  - 16.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 16.2 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 16.3 Requirements for Public Works Agreements.
  - 16.4 Requirements for Utility relocations.

*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 here on. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown here on. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
  - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance shown here on. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. An Inspection & Maintenance Agreement is required for the private SWM facilities.
3. A Public Works Agreement is required for the proposed work done on Oldfield Point Road.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

Mr. Graham, Citizen’s Representative had no comments

Mr. Brown, CCSCS, read the comments of the department:

- Concept Storm Water Management was approved by the Cecil Soil Conservation District on 10/27/10 and final approval was given by the Department of Public Works on 11/3/10.
- To date, no Preliminary Storm Water Management plans have been received by the Cecil Soil Conservation District for review. Because Preliminary SWM plans have not been approved, the Cecil Soil Conservation District does not recommend approval of the Preliminary Plat at until the Preliminary Stormwater Management Plans have been approved.
- Due to the SWM requirements for this project, soil maps and soil limitations have not been provided as they will need to be submitted by the engineer during the SWM review process.

Mr. von Staden, DEH, read the comments of the department:

A Groundwater Appropriation Permit Exemption must be filed with Maryland Department of the Environment prior to Final Plat approval.

Add a note that the existing well (s) will be abandoned and sealed by a licensed well driller and the existing septic tank (s) will be pumped and filled with earth prior to record plat approval.

Lots must connect house area to designated sewage area by a minimum 20’ fee simple strip. Lots 10, 11 and 12 show 20’ wide fee simple strips; however, the mechanism allowing the roadway over these strips is not clear. Nothing can constrain lot owners from working on sewer pressure lines that would be installed under the roadway when necessary. While it may be possible to arrange this without violating specific Health Department regulations, liability issues may arise (traffic damaging pressure

lines, work on lines damaging roadway). How will electric/phone/cable run without damaging force mains?

Will construction time period restrictions exist for septic system installations within zone 3 of the Eagles nest? (Lots 1, 2, 10 and 18) If so, notes of restriction must be on preliminary, final and record plats. In addition, add a note that Occupancy Permits for dwellings on these lots cannot be signed by the Health Department without completion of the septic system installation.

The corners of the cemetery easement must be identified in the field by permanent markers prior to final plat approval.

Better identify designated sewage areas. On some lots, limits are hard to see (ex. Lots 6, 8, etc). Limit sewage area on lot 7 at 32' contour.

Adjust sewage area on lot 13, stay 25' from access road swale. Meet with Health Department before revising. Adjust sewage area on lot 16 to avoid swale between holes 85 and 511. Adjust sewage area on lot 18 to include hole 93. As shown, Lot 14 does not have a test rate in the proposed sewage area. If possible, adjust to include hole 205.

Mr. Davis, SHA, had no comments.

MDE's comments are as follows:

- As total average annual water use by this project will likely be less than 5,000 gpd, a notice of exemption will be required for final plat. There is a water appropriation & use permit (CE1987G077) for operation of the existing marina. However, this permit does not apply to the residential subdivision. If a well will be used for a clubhouse, marina or dock, a separate exemption will need to be obtained by the community association.

Delmarva's comments are as follows:

Same note from 6/2/10 - The existing pole line along Elk Point Rd feeds 2 transformers

Mr. Di Giacomo read the comments from CCPS. See file.

No comments were received from the Fire Chief's Representative.

For Critical Area Commission comments, see file.

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

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SR, IDA (Critical Area), & RCA (Critical Area)

Density: The SR zone permits a base density of 1 du/ 1 ac., or 2/1 with community facilities. The Concept Plat, proposing 18 lots on 76.3 acres, for a proposed density of 1/4.24, was TABLED at the

9/20/10 Planning Commission meeting (in order to allow time for the approval of the Conceptual Stormwater Management Plan) and approved on 10/18/10, conditioned on:

- 1) All Health Department requirements being met;
- 2) All DPW requirements being met, including the approval of the Preliminary Stormwater Management Plan prior to the Planning Commission's review of the Preliminary Plat;
- 3) The Preliminary Environmental Assessment's being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) Any Critical Area Commission concerns being satisfactorily addressed prior to Final Plat review;
- 5) The boundary line survey's being completed prior to the TAC's Preliminary Plat review; and
- 6) The private road Variance's being obtained prior to Final Plat review.

Site Data Note # 8 reflects the rezoning of part of the site from MB to SR.

There are two Site Data Note 12s: one between # 8 and # 10, and another following # 11.

General Note #13 indicates that a Variance will be sought to create lots on the proposed private road, Elk Point Road. That must be done prior to Final Plat review, but it is recommended to be accomplished as early in the process as possible.

Further, while this appears unlikely, should the 100-year floodplain boundary change, and, as a result, any dwelling sites were to find themselves within a revised floodplain boundary, then, in that case, those affected dwelling sites could be approved, but only pursuant to the provisions of §241.2.d (1).

This Preliminary Plat is generally consistent with the approved Concept Plat.

A portion of the site is within the Critical Area RCA overlay zone, which permits the density of only 1 du/ 20 ac. For that area, only two dwellings are proposed on 48.331 acres, for a proposed density of 1/24.166 – which is consistent with that permitted in the RCA.

The Tax Map, block (or grid), and parcel numbers appear in the title block.

Critical Area Growth Allocation will not be required. The previous proposed design used the "lotominium" concept. These are fee-simple lots.

There are precedents for split lots.

An existing cemetery is shown between proposed lots 1 & 2, referenced as an easement on proposed Lot 2 in the Area Tabulation table. §93 requires a Bufferyard standard C between the burial plot(s) and all lot lines. Has it been determined that ART. 27, §267 of COMAR, which covers abandoned cemeteries, allows them on easements on residential lots? How will access to the cemetery be effectuated via the proposed private road? Mr. Mink said there will be a driveway off of a private road and an easement will be provided.

Any proposed signage or fencing associated with the cemetery must be included in the public works agreement.<sup>2</sup>

General Note # 2 indicates that the boundary line survey has been completed. A sealed copy must be provided for the file, or the plat can be signed and sealed by a licensed surveyor prior to review by the Planning Commission.

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<sup>2</sup> This is based upon the Meadow Run precedent, 6/30/97.



Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>3</sup>

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

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

The 100-year floodplain boundary has been clearly labeled, in conjunction with a legend.

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. A Variance could possibly be required, per §195.3.b & c, should the Buffer need to be expanded.

At 7/2/08 TAC review, Mr. Kopeck provided a copy of documentation submitted to MDE for bulkhead repair & maintenance, and testified that this marina had been in continuous operation. The boat launch & slips details must be consistent with §'s 169 & 198.

The first of the two Site Data Note 12s provides the lot coverage calculations. Has the effect of the parking area for 20+ cars with boat trailers been factored into the lot coverage calculations? Mr. Mink said he believes it has.

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

The habitats of any rare, threatened, and endangered species must be avoided. The concentric protective zones associated with the bald eagle's nest on the adjacent property have been shown.<sup>4</sup>

15% common open space is required; 16.47% 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. Where are the C.O.S. sensitive areas thresholds calculations? They must be included on any Preliminary Plat. Mr. Di Giacomo said the calculations must be included for the Planning Commission.

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<sup>3</sup> 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 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>4</sup> If seasonal perc tests are required, then that portion of the subsurface discharge area that is within a date-constrained protective zone could be problematic.

The SR zone requires 20% landscaping (of the development envelope); sidewalks are not recommended, so as to reduce the amount of lot coverage (impervious surfaces).

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

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides the proposed private Elk Point Road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard & street tree requirements.

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

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 lot coverage (impervious surface) in the RCA or LDA. No more than 20% of the forest or developed woodland may be removed.

In the IDA, §199.4 mandates demonstration that Best Management Practices for stormwater to assure a ten percent reduction of pre-development pollutant loadings. As was stated at Concept review, the community boat slip details, per §291, including proposed parking & impervious surfaces, must be included on the Preliminary Plat. What are the specifics of the community boat slips? Mr. Kopeck said he is not sure, they are waiting for the MDE permit.

In the critical area, no structure shall exceed 35' in height.

The original FSD/Conceptual Environmental Assessment was approved on 8/19/08. The revised EA has been approved, as has the Conceptual Stormwater Management Plan.

The Critical Area Commission has expressed a number of concerns.

A minimum 200' Buffer is required in the RCA. The 300' Buffer cited in previous CBCAC correspondence is moot since a Growth Allocation would not be required to achieve this proposal, as designed.

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

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

A Landscape Agreement must be executed prior to recordation.

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

The proposed road name, Elk Point Road, 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 being placed in escrow for improvements prior to recordation.

This plat depicts protective, concentric zones for bald eagles' nests on the adjacent Chesapeake Cove subdivision.

In the review and approval process for Chesapeake Cove, in a DNR letter dated 9/8/06 (received by OPZ on 9/28/07), Lori Byrne, Environmental Review Coordinator, spoke to the necessity of establishing a 3-zoned, ¼ mile radius protection area for the bald eagle's nest.<sup>5</sup>

In a 10/1/07 letter, the Planning Director wrote that OPZ found<sup>6</sup> that "the plats ... must show the required protective zones," and advised that the applicant had 15 days from receipt to file an appeal with the Cecil County Board of Appeals. None was filed.

Subsequently, at a 10/11/07 meeting, it was agreed that language regarding the protection of the eagles' nests could be added to the plat in lieu of the zones' depiction. A 10/19/07 letter from the applicant's counsel proposed said language, which, found to be satisfactory was included in two notes on sheet 1.

Moreover, the protective language used on the adjoining Chesapeake Cove subdivision Record Plats would suffice, rendering the depiction of the protective, concentric zones on this plat unnecessary:

"Active bald eagle nesting trees were identified at these locations on the adjoining Chesapeake Cove subdivision when this plat was prepared. The then current state and County bald eagle habitat protection guidance recommended development of restrictions on construction within a ¼ mile radius of bald eagle nests between December 15 and June 15. See the Environmental Assessment report filed with the Cecil County Office of Planning and Zoning for the restrictions devised for the six affected lots (Lots 1, 2, 3, 4, 10, and 18).

So long as the nest remains active, initiation of house construction activities and forest clearing within the Zone 3 protection area (between 660 and 1320 feet of the nest) between December 15<sup>th</sup> and June 15<sup>th</sup> are restricted. Construction substantially underway on or before December 15<sup>th</sup> may continue throughout the restricted period. Construction shall be deemed substantially underway upon Cecil County's: (a) issuance of a building permit; and (b) approval of the foundation inspection."

§4.0.13 (c) requires that in the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.

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

The applicant is reminded of the 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month.

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<sup>5</sup> That letter stated that the nest is on an adjacent property, but thus and previous submittals have shown it to be on the subject property.

<sup>6</sup> As stated in the referenced letter, the finds was "based on Article IX, Section 174.6 of the Zoning Ordinance; Article II, Section 2.4.2 (e) of the Subdivision Regulations; Article IV, Section 4.2.13 (x), 4.2.13 (y), 4.2.13 (z) of the Subdivision Regulations; Article VII, Section 7.5.2 (d), 7.5.2 (e) 3, 7.5.2 (h) of the Subdivision Regulations; and Section 9.3 of the Cecil County Critical Area Program."

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	430	727	1121
Capacity	501	712	1009
% Utilization	86%	102%	111%

**3. Chesapeake Village, Courtesy Review for the Town of Chesapeake City, 150 Units, St. Augustine Road, Preliminary Site Plan, CNA Engineers, Second Election District.**

Doug Kopeck and Chris Mink, CNA Engineers, appeared and presented an overview of the project.

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

1. As this site is within the Chesapeake City Corporate limits the Cecil County Department of Public works will only be responsible for the review and approval of the Stormwater Management (SWM) Plan.
2. The Department recommends that the Town of Chesapeake City hold final approval of this site plan until they receive confirmation that we have approved the SWM plan.
3. While this site is grandfather under the old SWM Ordinance it has been over two years since we have seen a submittal. As such we will require a new submission including the associated review fee. What's the status of your SWM plan? Mr. Mink stated that the previous agreement was not signed and the bond was not posted.
4. Previously the Critical Area Commission has considered any area that has its SWM pond within the Critical Area to be itself in the Critical Area. As such the 10% pollution reduction rule applies to the entire site. You should verify this with the Critical Area Commission.
5. Where does the SWM pond located at the NW corner of the large parking lot discharge? Mr. Mink said the pond discharges into a conveyance channel.
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:
  - 5.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 5.2 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 here on. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown here on. 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 here on. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. An Inspection & Maintenance Agreement is required for the private SWM facilities.

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

Mr. Brown, CCSCS, read the comments of the department:

- Erosion and Sediment Control Plans have been approved under the Old Storm Water Management Ordinance on 1/12/09. The approved Erosion and Sediment Control Plan will need to be revised if any changes to the Storm Water Management Plan, Grading Plan, and/or proposed plat will affect the approved Erosion and Sediment Control Plans.
- Update the Soils information to the 2009 USDA soils. See the provided soils map and soil limitations for details.
- What is the line shown through the SWM facility north of Harriot Court? No key has been shown.
- The approved E&S plans are will expire on 1/12/10. Plans must be re-stamped shortly in order to stay active.

Mr. von Staden, DEH, read the comments of the department:

Identify source of public water and sewerage on the plat.

Water and sewer allocations are required from the Town of Chesapeake City prior to final plat approval. The allocation will not be reviewed by the Cecil County Health Department without submission of an Available Capacity Report to determine the wastewater treatment plant's ability to accept the flow from this project. Any water or wastewater system upgrades required to provide the specific allocation must be identified in the allocation from the Town, along with the status of the required Maryland Department of the Environment permits. Record plats cannot be approved until any necessary Maryland Department of the Environment permits are approved.

Final and record plats are required to have the following statements:

1. Public water and sewerage will be available to all lots offered for sale (by owner's signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department's signature).

Use 2009 Soils data.

Mr. Davis, SHA, read the comments of the department. See file.

Comments from MDE are as follows:

– If public water is available, neither a permit or a notice of exemption will be required.

Delmarva Power had no comments.

Mr. Di Giacomo read the comments from CCPS. See file.

No comments were received from the Fire Chief's Representative

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

This subdivision is proposed to be within 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. Chesapeake Village Plats were previously reviewed by the TAC on 10/1/03, 3/3/04, 9/1/04, and 10/6/04.

- Zoning: TND, IDA
- Site Data Note # 13 indicates that there are 29.90 acres.
- 150 proposed dwelling units on 29.90 acres yields a density of 5.02/1.
- Site Data Note # 8 indicates that there are 30.10 acres, rather than the 29.90 acres indicated by Site Data Note # 13.
- Previous reviews indicated 29.86 acres and 29.62 acres.
- Which acreage figure is correct? Mr. Kopeck stated that he will have to verify the correct figure.
- It is recommended that the proposed density be checked for consistency with that allowed in the TND zone.
- The proposed Critical Area density has been stated on the plat. It should be confirmed that the proposed density does not exceed that allowed in the IDA zone under the Town's Critical Area Program.
- It should be confirmed that the setbacks are consistent with the Town's Zoning Ordinance for the IDA and TND zones.
- It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.
- Consideration should be given to soliciting review and comment on the subdivision layout and access by the Chesapeake City Volunteer Fire Co.
- Any consultation with the Chesapeake City Volunteer Fire Company should include the issue of the advisability of allowing the alleys to remain unnamed.
- Fire hydrant locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, as well as recommendations from the Chesapeake City Volunteer Fire Co.
- It is recommended that traffic calming measures be considered for Chick's Tavern and Wharf Roads, as they are likely to draw cut-through traffic between MD 286 (Second Street) and MD 342. For the same reason, pedestrian safety measures should be considered for Chick's Tavern Road between the parking lot and the stacked townhouses.
- Consideration should be given to locating dry hydrants at the stormwater management ponds and streams – where feasible, in consultation with the Chesapeake City Volunteer Fire Co.
- Water allocation should be confirmed prior to final plat approval.

- Sewer allocation should be confirmed prior to final plat approval.
- Consistency with the Master Water and Sewer Plan should be confirmed prior to final approval.
- If not already done, it should be confirmed that the number of parking spaces proposed falls within the minimum and maximum number required or permitted by the Town's Zoning Ordinance and Subdivision Regulations.
- Striped pedestrian crosswalks should be utilized at all intersections.
- If not already done, it should be confirmed that all aspects of the proposed street design and layout are consistent with the Town's Subdivision Regulations, Public Works street code, and TND zone regulations.
- The internal street names have been approved. None of the alleys have been given proposed names.
- It is recommended that it be verified that the stream buffer, wetland buffer, and Critical Area Buffer distances, and any necessary expansions thereof, are consistent with the requirements of the Town's Zoning Ordinance and Subdivision Regulations.
- It is again stated that protective fencing be considered around the stormwater management areas, as they are attractive hazards.
- It is recommended that any access to any parkland/open space between or beside lots be marked with concrete monuments.
- It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.
- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
- It is recommended that the Landscape Plan be approved prior to final subdivision approval. Consideration should be given to the vegetative screening of the C& P Telephone property.
- It is recommended that a Landscape Agreement be executed prior to recordation.
- It is recommended that an Environmental Assessment be completed and approved prior to Final Plat approval.
- The Town of Chesapeake City has not signed an "Assigning Obligations Under the Forest Conservation Act" agreement with the County. However, OPZ will continue to review and comment on an FSD and FCP as a courtesy to the Town.

- In 1996, OPZ reviewed an FSD for this site. It was then known as the Back Creek subdivision.
- The final Forest Conservation Plan (FCP) should be approved prior final subdivision approval.
- Deed restrictions for the long-term protection of any Forest Retention/ Afforestation Areas (FRAs) should be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA should be shown on the record plat.
- The county recommends a TIS.

**4. Charlestown Crossing Garden Apartments, 332 Units, US Rte. 40, Revised Concept Plat, Taylor Wiseman & Taylor, Fifth Election District.**

Bob McAnally, Taylor Wiseman & Taylor, Fred Sheckells, Clark Turner Communities and Andrew Dolban and Matthew Darr from the Dolban Companies, appeared and presented an overview of the project.

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

1. The Department understands that the water supply for this development will be a private system. The water distribution system must be designed to meet or exceed the County's standards. This includes providing fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings.
2. The Department requires a revised TIS reflecting the 332 apartments' impact on the road network. We will require a scoping meeting be held prior to the preparation of the revised TIS.
3. A SWM plan, Road & Storm Drain plan, Water System plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for final plat Approval.
4. The revised SWM plans reflecting the proposed townhouse layout for Phase 1 A, B & C are required. The Department will not approve this final plat until this plan has been approved.
5. The SWM plan for the apartment complex proposed is grandfathered under the old ordinance.
6. It is understood that the internal streets & associated parking will be privately owned and maintained. This also applies to West Claiborne Road in the area designated on the plat. The exact location of this point of transition and the similar point at the southern access onto Charlestown Crossing Boulevard must be identified on the plat referenced by the road station number.
7. The transition point for West Claiborne Road must be moved to a line parallel to the traffic island face on the existing round about. The southern access transition point will be at a line running to the edge of the travel way of Charlestown Crossing Boulevard at that proposed entrance.
8. What rights and responsibilities will Parcel 124 B enjoy as to ingress/egress onto the private portion of West Claiborne Road? Mr. Sheckells stated that there would be cross easements and both parties would be responsible for improvements.
9. The sewer lines within the proposed apartment complex will be privately owned and maintained. This private sewer line will connect to the existing public sewer main at SMH 46.



10. Design of the three ponds proposed must address constructability issues involving the close proximity of stream buffers & 100-year flood plain. The same concerns apply to the construction of buildings 107, 108, & 200-202.
11. The three ponds should be fenced due to their proximity to the apartment buildings.
12. We have concern about access being provided to two of the three ponds proposed. Provide a minimum of 12' wide access point in the parking lot between buildings 200/201 (i.e. no parking)
13. The 100-year flood plain must be plotted by elevation (rather than graphically from the FEMA maps) on the construction drawings. This requires an engineer's analysis.
14. An I&M Agreement is required for all SWM facilities.
15. Any proposed active recreation will require a list of equipment submitted to the Department of Parks and Recreation as well as a PWA to cover the same.
16. Public Works Agreements public will be required for all infrastructure shown.
17. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown here on. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown here on. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."

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

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

Mr. Brown, CCSCS, read the comments of the department:

- (During the TAC meeting, Mr. McNally stated that he believed that the area would be grandfathered under the old SWM ordinance. He and DPW will iron out what will be required.)
- The process for review of Erosion and Sediment Control Plans will be determined by the applicability of the new SWM ordinance. The Cecil Soil Conservation District will process the plans according to how the SWM process is handled.

Mr. von Staden, DEH, read the comments of the department:

Verification of the water allocation for this concept must be received from Artesian Water Company prior to final plat approval. Verification of the sewer allocation for this concept must be received from the Department of Public Works prior to final plat approval.

Final and record plats are required to have the following statements:

1. Public water and sewerage will be available to all lots offered for sale (by owner's signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department's signature).

Written details for the use of the clubhouse must be submitted to the Cecil County Health Department to determine if any regulated activities are proposed. Plans for the swimming pool must be approved by the Department of Health and Mental Hygiene prior to site plan or building permit approval.

Mr. Davis, SHA, read the comments of the department. See file.

Comments for MDE are as follows:

A water appropriation and use permit will not be required for final plat.

Delmarva Power has no comments.

Mr. Di Giacomo read the comments from CCPS. See file.

No comments were received from the Fire Chief's Representative.

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

This project is in compliance with §3.9 & §3.9.1 regarding public notification.

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

Zoning: RM (previously part of the Charlestown Crossing PUD Proposal, zoned M1 and SR)

Per §256 of the Zoning Ordinance, the PUD "Sketch Plat/Special Exception Application" was granted a Special Exception on 9/28/04 by the Board of Appeals<sup>7</sup> – conditioned on the following issues being adequately addressed:

- 1) No lots are proposed in the M1 zone;
- 2) No lots are proposed in the nontidal floodplain;
- 3) The complete estimated staging of construction has been shown on the plat and narrative, as required in §6.1.1 (e);
- 4) The perennial stream buffers have been accurately depicted;
- 5) No dwellings are depicted in the perennial stream buffers;
- 6) The nature of the proposed uses in the "employment" area in the SR zone have been declared and they are, in fact, permitted in the BL zone;
- 7) The total number of off-street parking spaces and the space to unit ratio for the proposed townhouse condominiums has been provided on the plat, consistent with §4.0.13 (m);
- 8) The townhouse condominium lot boundaries are differentiated from the townhouse structure footprints, as required in §4.0.13 (m);
- 9) A note to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
- 10) All contradictions between the plat and the narrative have been eliminated;
- 11) Reference to §29.5.a in Note # 7 has been corrected;
- 12) The elevations of each building type have been provided, per §256.1.a;
- 13) The Variance needed to create the townhouse lots on the proposed private roads has been cited on the plat, or the proposed private roads are eliminated;
- 14) The proposed density has been cited on the plat submitted for review by the Planning Commission and Board of Appeals;
- 15) A draft of the terms and provisions of the public works agreement being provided in the narrative, as required by §256.1.c;

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<sup>7</sup> Because a PUD is permitted in the SR zone only by Special Exception

- 16) Any townhouse units in excess of 20% are to be considered substituted for permitted semi-detached or duplex units, with the condition that the total number of townhouse units not exceed the proposed 176 units; and
- 17) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat and/or Preliminary Plat/Site Plan reviews by the TAC. The TIS must account for the full impact of the full potential build-outs in all zoning classifications on the parcel, regardless of whether or not they are specifically part of the PUD proposal.

In accordance with §256.5, which stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations,” the Preliminary Plat, proposing 592 lots<sup>8</sup> at a density of 2.63/1, was approved<sup>9</sup> on 4/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The forest retention areas being depicted on the Final Plat;
- 4) The FCP and the Landscape Plan being approved prior to the Planning Commission’s review of the Final Plat;
- 5) Landscape Plan for this PUD proposal including the §187.2 zoning district-separating bufferyards details for that part of the M-1 area associated with the proposed water tank, filtration station, and wells;
- 6) A Site Plan being approved for the Community Center prior to the Planning Commission’s review of the Final Plat;
- 7) A Plans being approved by DPW for the water tower and the water filtration building prior to the Planning Commission’s review of the Final Plat;
- 8) No street trees being planted within 20 of sewer laterals and cleanouts;
- 9) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
- 10) Confirmation of water allocation being received from the water provider prior to Final Plat review by the Planning Commission;
- 11) MDE verifying that the water provider has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
- 12) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;
- 13) Plans for water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
- 14) Fee simple access being provided to all stormwater management facilities;
- 15) The Landscape Plans for all BG- and M1-zoned site plan projects including the zone-separating bufferyards depicted on this PUD plat;
- 16) The details of the proposed E.M.S. building being reviewed by the County EMS Dept. and/or the Charlestown Fire Co. prior to Final Plat review;
- 17) The appropriate Charlestown Crossing Boulevard widening being shown on the Final Plat;
- 18) The zoning boundaries being corrected;
- 19) The proposed uses being made consistent with those permitted in the respective zones; and

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<sup>8</sup> On 224.73 SR-zoned acres

<sup>9</sup> The Planning Commission has authority for the approval of the Preliminary Plat for PUD proposals.

- 20) Documentation confirming that the Charlestown Volunteer Fire Department deems the cul-de-sac radii and roadway width are acceptable being received prior to Final Plat review by the Planning Commission.

Per §4.1.18, 1-year Preliminary Plat extensions were granted on 3/19/07, 1/23/08, & 12/15/08.<sup>10</sup>

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

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

Also on 6/16/08, for INFORMATION ONLY, an amended Preliminary Plat overview was presented to the Planning Commission. Again for INFORMATION ONLY, an alternate layout for Phase 1 townhouses was presented to the Planning Commission on 3/16/09, when Mr. Bechtel, counsel for Clark Turner Homes indicated that a Variance would be sought from the Board of Appeals. In non-binding action, Planning Commission members agreed that they favored the modified design. On 4/29/09, a Variance (File No. 3450) was granted to allow more than 4 units per townhouse building, as was reflected in lots 74-78.

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

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

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

- 1) Health Department requirements being met;

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<sup>10</sup> Unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is again extended in the interim, said validity will expire on 12/15/09.

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

The Phase 1A recordation plats were signed on 12/11/09 and 3/29/10.

The Special Exception that was granted allowed 176 townhouses.<sup>11</sup>

The Phase 1B & 1C Final Plat was approved on 11/15/10, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
- 5) Deed restrictions for the long-term protection of planted buffers, street trees & any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) The 10' Street Tree Planting Easement being labels on the Record Plat;
- 7) A Landscape Agreement's being executed prior to recordation;
- 8) A Homeowners' Association for maintenance of common open space being modified to include these lots, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 9) The Record Plat's containing a statement, signed by the Health Department approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 10) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 11) The Record Plat's signature block for DPW indicating "Director of Chief Engineer" under the signature line;
- 12) The Record Plat's signature blocks for the Health should indicating "Approving Authority" under the signature lines; and
- 13) References to private roads being eliminated from the Record Plat.

The re-zoning of the site of these proposed garden apartments, from M1 and SR to RM, was approved on 8/10/10.

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<sup>11</sup> In the SR zone, no more than 20% of the PUD dwelling units can be **townhouse** or apartment units.

The re-zoning of this garden apartment site removed it from the PUD review and approval process because PUDs are not permitted in the RM zone. Thus, the possible approval of this Concept Plat would, in effect, amend the originally-approved PUD Sketch Plat/Special Exception.

Density: The RM zone permits a density of up to 16 du/ 1 ac. for apartments. This submission proposes 332 dwelling units on 20.81 acres for a proposed density of 15.95 / 1.

Apartment projects must be consistent with §29 of the Zoning Ordinance and §6.3 of the Subdivision Regulations.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>12</sup>

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

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

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

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. In this case, given the proposed wetland impacts, it must be obtained prior to Final Forest Conservation Plan approval.<sup>13</sup> JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation. File records show that the JD has been completed.

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

20% open space is required in the RM zone; 45% is proposed. The Land Use Summary's reference to "Sections 29 – 60B" must be corrected.

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

Per §29.5.a (1), a minimum of 25% of the development envelope shall be landscaped.

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<sup>12</sup> 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 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>13</sup> Upon FCP approval, a grading permit can be issued. However, grading cannot be permitted in a wetland area unless an MDE/Corps permit to do so has been issued.

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

Per §29.5.a (1), a 25' Bufferyard standard C is required around the perimeter of the development tract.

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

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

The minimum distance between townhouse structures shall be 60' if the townhouse structures are face to face. No townhouse structure shall be closer than 20' to any interior roadway or closer than 15' to any off-street parking area – excluding garages built into an individual townhouse unit. The maximum townhouse height is 35'.

Apartment buildings shall be set back at least 20' from all parking areas and internal roads (§29.4.h).

No apartment building can be constructed closer to any property line of the development tract than a distance equal to the height of the building (§29.4.d). The maximum length of an apartment building is 300 feet (§29.4.j).

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

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Any tree removal within a public right-of-way requires approval from the Maryland DNR.

The FSD was approved on 9/17/04. It has expired, so the applicant should seek an extension of FSD validity, and the SWM Concept Plan must (shall) be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

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

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

A Landscape Agreement must be executed prior to recordation.

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

Road names have been approved.

A revised Traffic Impact Study (TIS) may be required prior to the TAC's Preliminary Plat review. It is incumbent upon the applicant to empirically demonstrate that the number of trips generated by 332 would be no greater than those that would otherwise be generated by the previously-proposed uses.

The number and ratio of parking spaces to dwelling units has been provided and is consistent with the requirements of ARTICLE XIV.

The proposed clubhouse must be served by water & sewer systems approved by the Health Department. A major site plan submittal may be submitted for the clubhouse, or the Preliminary Plat may contain its details, per Appendix A of the Zoning Ordinance. Any major site plan must be approved prior to Final Plat approval(s). The requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.

The Master Water and Sewer Plan classifies this site as W2 and S2.

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 Plat shall contain a statement to be signed by the Health Department, "approving authority", to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.<sup>14</sup>

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

The applicant is reminded of the 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month.

School information:	Elementary	Middle	High School
	Charlestown	Perryville	Perryville
FTE	184	597	846
Capacity	292	860	944
% Utilization	63%	69%	90%

## **5. Benjamin's Landing, Remaining Lands, MD Rte. 222 and Ragan Road, Preliminary / Final Plat, McCrone, Inc., Eighth Election District.**

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

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

1. A Stormwater Management plan must be approved before the Department will recommend final plat approval for this development.
2. Sight Distance measurements must be submitted and approved before the Department will recommend approval of the Preliminary Plat to the Planning Commission.
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 Stormwater Inspection and Maintenance Agreements.

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<sup>14</sup> The Master Water & Sewer Plan identifies this site as W2 and S2.



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

Mr. Brown, CCSCS, read the comments of the department:

- Concept, Preliminary, and or Final Storm Water Management and Erosion and Sediment Control Plans have not been submitted for the proposed project shown on the plat. A Storm Water Management Plan must be approved prior to Preliminary/Final Plat approval. The Cecil Soil Conservation District recommends disapproval of the Preliminary/Final Plat at this time.
- Soil Maps and reports on soil limitations have been provided as the proposed project may be eligible for a standard Storm Water Management Plan and a standard Erosion and Sediment Control Plan. If the project does not qualify as a standard SWM plan, the engineer must submit their own soils report with the SWM review per DPW requirements. Please check with the Department of Public Works as to the applicability of the standard plan.

Mr. von Staden, DEH, read the comments of the department:

A Groundwater Appropriation Permit Exemption must be filed with Maryland Department of the Environment prior to final plat approval.

Revise the sewage area to better utilize the existing percolation holes, or conduct additional soil testing. Additional soils testing to define a 10,000 sq. ft. sewage area on remaining lands of Sandra Fox.

Show pumping details. Soil boundaries are barely visible.

Mr. Davis, SHA, read the comments of the department. See file.

Comments from MDE are as follows:

Are the two new wells part of this change? If not, neither a water appropriation permit of notice of exemption will be required for final plat.

Comments from Delmarva Power are as follows:

Delmarva's pole line exists on the west side of Rock Springs Rd US Route 222 and on the south side of Ragan Rd

Mr. Di Giacomo read the comments from CCPS. See file.

No comments were received from the Fire Chief's Representative.

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

This project is in compliance with §3.9 & §3.9.1 regarding public notification.

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

Zoning: NAR

Density: The NAR zone currently permits a maximum density of 1 du/ 10 ac.

The Concept Plat was approved, at the bonus density of 1/3, on 8/19/97, conditioned on:

- 1) No further subdivision of Lot 1, and
- 2) Lot 2 being moved to access off Ragan Road in order to maximize the rural character potential of Lot 1.

The Section 1, Lots 1-15, Preliminary Plat was approved on 5/18/98, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) State Highway Administration permit being issued prior to recordation;
- 4) Revised Forest Conservation Plan being submitted with the final plat;
- 5) Landscape Plan for Bufferyard C and street trees being submitted with the final plat;
- 6) Landscape Agreement being executed prior to recordation;
- 7) Non-standard building restriction lines being shown on the final plat;
- 8) Conversion of the non-forested open space area being included with the Landscape Plan;
- 9) Bufferyard A along the rear of Lots 5 and 14 being shown;
- 10) Forest retention areas and landscape of the bufferyards being shown on the final plat;
- 11) A Homeowners' Association being established with \$50.00 per recorded lot being placed in escrow for open space improvements; and
- 12) Deed restrictions for long-term protection of the forest retention area being recorded prior to recordation.

The Section 1, Lots 1-15, Final Plat was approved on 7/20/98, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) A Homeowners' association being established for maintenance of open space with \$50.00 per recorded lot being placed in escrow;
- 4) Deed restrictions for long-term protection of forest retention areas being recorded prior to recordation of the plat;
- 5) Landscape Plan and Final Forest Conservation Plan being approved by the Office of Planning and Zoning prior to recordation of the plat;
- 6) Landscape Agreement being executed prior to recordation of the plat; and
- 7) 60% open space requirement being met with future phases of the subdivision.

The Section 1, Lot 16, Preliminary-Final Plat was approved on 8/17/98, conditioned on:

- 1) Health Department requirements being met; and
- 2) This lot becoming a member of the Homeowners' Association with \$50.00 being placed in escrow; disapprove the bufferyard modification request; approve accepting the USGS topo since no new development is being proposed.

The Section 1, Lot 17, Preliminary-Final Plat was approved on 5/17/99, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Landscape Agreement for Bufferyard A plantings being executed prior to recordation;
- 4) The dwelling being relocated so as not to encroach within the 100-foot setback of Bufferyard A;
- 5) The plat showing the Bufferyard A setbacks; and
- 6) No further subdivision occurring on this side of US Rte. 222 to ensure the large lot open space requirement.

Lots 16 and 17 of the Benjamin's Landing subdivision have not been labeled as such. In addition, the vicinity map has been drawn to reflect that Lot 17 is part of this subdivision.

Because this 'subdivision' is necessary for the activation of the remaining lands as a building lot, and because no new lots are otherwise being created, the sixth condition of the Section 1 Lot 17 Preliminary-Final approval does not prohibit the approval of this submission.

Proposed add-on "A" would add 4.384 acres to the original 76.076 acres, for a new Benjamin's Landing total acreage of 80.46.

The remaining lands served as the large lot, with an acreage of 38.1, which, along with 19.746 acres of common open space, provided 76.037% open space for the subdivision.

The remaining lands total acreage was reduced to 35.3 with the approval of the unlabeled Lot 16, and to 33.0 acres with the approval of the unlabeled Lot 17.

The original 19.746 acres of common open space was reduced to 18.927 with the add-on to Lot 15. Based on the new proposed total of 80.64 Benjamin's Land acres, that is 23.52% common open space and 64.54 % open space.

This Preliminary-Final Plat proposes the activation of 1 building lot, which, if approved, would be Lot 18, for an overall proposed density of 1/4.23.

Has the boundary line survey been completed? Mr. Sutton said yes.

What is the purpose of the proposed add-on? Mr. Sutton said the owner owns both properties. The add on will be used for agricultural purposes.

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

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

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to

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<sup>15</sup> 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 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

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 US 222 and Ragan Road, as shown on the plat. Why is the Bufferyard C waiver requested? Mr. Sutton stated the waiver request was for the owner to continue for agricultural purposes and for sight distance issues.

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 plat indicates that this project is exempt, per §3.2K. Why? Mr. Sutton stated the owner is building the house.

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

Any Landscape Agreement must be executed prior to recordation.

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

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

Prohibition of any further subdivision on the side of US 222 must be noted on the Final and Record Plats.

The owners of proposed Lot 18 must become members of the Homeowners' Association that was established for maintenance of common open space, with \$50 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 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month.

School information:	Elementary	Middle	High School
	Conowingo	Rising Sun	Rising Sun
FTE	567	695	1177
Capacity	534	818	903
% Utilization	106%	85%	130%

The December TAC meeting adjourned at 11:19 a.m.

Respectfully submitted,

*Jennifer Bakeoven*