

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, January 5, 2011, 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), Graham, Daniel (Citizen's Rep.), Latham, Cindy (MDE) and Bakeoven, Jennifer (CCP&Z).

Absent: Davis, Gary (SHA), Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Langford, Ariana (CCPS), Meaders, David (FA),

1. Lands Ulysses G. & Lucia G. Demond, Courtesy Review for the Town of North East, Lot 1A & 1B, Cecil Avenue, McCrone, Inc., Fifth Election District.

Melissa Cook- Mackenzie, Town Administrator for the Town of North East and Betsy Vennell, Town Planner for the Town of North East, appeared and presented and overview of the project.

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

1. As Long as this subdivision is for the purpose of land transfer only it is exempt under Section 251-5 (C) of the County SWM Ordinance. Any future development on either of these properties will require a SWM plan submittal.
2. Change the last sentence in Note 10 to read "Any future development on Lots 1A or 1B will require a stormwater management plan submittal.

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

Ms. Latham, MDE, stated that the town would not need an appropriation permit or change in their existing permit.

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

Note #12 on the plat states that Lot 1A & 1B are vacant but it appears that there is a structure on the property. If there is an existing structure on the property, the applicants need to confirm that the water and sewer on fine. Discussion ensued regarding why the applicant isn't doing an add-on to the land rather than creating a separate parcel.

A sewer allocation is required from the Department of Public Works prior to final plat approval. A Water allocation is required from the Town of North East 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).

Mr. Brown, CCSCS, read the comments of the department. See file.

Discussion ensued regarding whether a site plan will be needed for the parking area.

Mr. Di Giacomo stated that the Fire Chief's Representative and the Cecil County Public Schools had no comments.

The applicant was provided a copy of the comments received from Delmarva Power, SHA and the Critical Area Commission.

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

This subdivision is proposed in the Town of North East. The Cecil County TAC, as a courtesy to the towns in the County, reviews site plans and subdivision proposals within the towns' corporate limits.

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

- Town Zoning: R-1 and IDA (Critical Area)
- It should be confirmed that the proposed use and densities are permitted in the R-1 zone, especially given the proposed lot sizes.
- It is recommended that the Critical Area boundary line be shown on the plat. If the entirety of the site is within the Critical Area boundary, then the Critical Area boundary should be labeled on the vicinity map. Ms. Cook-MacKenzie said that the town is working with Nick Kelly from the Critical Area Commission.
- Will Critical Area Growth Allocation be required? Is any part of the site located within the 110' Buffer? Mr. Di Giacomo believes that a Critical Area GA will not be required; discussions will have to be had with Nick Kelly from the Critical Area Commission and the Town of North East.
- It is strongly recommended that no Preliminary-Final Plat be approved until and unless all addresses and/or road names have been approved by the County 911 Emergency Center.
- In that regard, Mill Lane has not been labeled on the vicinity map.
- Race Street has not been identified on the plat or vicinity map.
- Will any Variances be required as regards access – or lack thereof – from public streets? How will proposed Lot 1A be accessed? Ms. Cook-MacKenzie said that the town would like to access the property from the existing land next to the police station.
- Will any Variances be required as regards wetland, stream, or Critical Area Buffers?

- It is recommended that wetlands and streams and their respective buffers be depicted, and it should be confirmed that they are not required. If they were, then the salient questions would be: what is proposed on proposed Lot 1A, and where? Lot 1A will be used for parking.
- It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R-1 zone.
- The Town of North East and Cecil County signed an "Assigning obligations under the Forest Conservation Act" agreement. The County will work with the Town on the Forest Conservation and Landscape Plans.
- The intrusion of a shed is depicted on what is proposed to be Lot 1A, but an existing structure (a dwelling?) on what is proposed to be Lot 1B is not. Why not? Ms. MacKenzie said she does not know.
- It should be confirmed that the signature of only one owner is sufficient for the recordation plat (tenants in the entirety or tenants in common). Mr. Demond has passed away since the start of this project.
- It is recommended that the plat be checked to ensure that all requirements for Preliminary-Final Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied.
- Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation.
- It should be confirmed if any common open space is required to meet the minimum requirements of the Town.
- The habitats of any rare, threatened, and endangered species on site should be avoided.
- It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.
- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
- It is recommended that any Landscape Plan be approved prior to final subdivision approval.
- It is recommended that any Landscape Agreement be executed prior to recordation.
- A sidewalk is recommended along Cecil Avenue.
- It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works street code.

- Where is parking proposed for these lots? It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.
- It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance, Subdivision Regulations and Critical Area Program.
- It is recommended that consideration be given to soliciting review and comment on the subdivision layout by the North East Volunteer Fire Company.
- Water allocation should be confirmed by the Town of North East prior to final approval.
- Sewer allocation should be confirmed by the Cecil County Department of Public Works prior to final approval.
- It is recommended that any HOA documents, if necessary, be accepted by the state, recorded, and any escrow deposits be accomplished prior to the recordation of any plats.
- It is recommended that the Record Plats contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.
- It is recommended that the Record Plats also contain a statement, signed by the owner(s), to the effect that such facilities will be available to all lots/homes offered for sale.

The January TAC meeting adjourned at 9:31 a.m.

Respectfully submitted,

Jennifer Bakeoven

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, February 2, 2011, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), King, Butch (SHA), von Staden, Fred (DEH), Brown, Chris (CCSCS), Daniels, Ronny (FA) 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),

Mr. Di Giacomo apologized to the TAC, the applicants and the citizens that were in attendance for the limited space as the February TAC meeting was not held in its normal venue.

1. Charlestown Crossing Garden Apartments, 332 Units, US Rte. 40, Preliminary Plat, Taylor Wiseman & Taylor, Fifth Election District.

Bob McAnally, Taylor Wiseman & Taylor, Matt Vetar, Dolben Co., Fred Sheckells and Dan Whitehurst, Clark Turner Co., 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. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings.
2. The Department is currently reviewing 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 previous SWM Ordinance.
6. The transition point between private & county ownership 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. Therefore remove Limit of County Road Maintenance reference and move the Public/private street reference to the correct location. 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. What rights and responsibilities will Parcel 124 B enjoy as to ingress/egress onto the private portion of West Claiborne Road?
8. 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.

9. 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.
10. The three ponds should be fenced due to their proximity to the apartment buildings.
11. 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)
12. The requirement to provide additional analysis of the 100-year flood plain has been satisfied based upon the detailed flood study previously provided by MRA and noted on the Concept Plat.
13. An I&M Agreement is required for all SWM facilities.
14. 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.
15. Public Works Agreements public will be required for all infrastructure shown.
16. 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. King, SHA, read the comments of the department. See file.

Mr. Daniels, Fire Chief's Representative, stated that he has met with the applicants in regard to this project. The Charlestown Fire Department's biggest concern is the height proposed for the structures. The fire department does not have a fire apparatus that will reach the height of the structures. The fire department will be forced to get rid of a rescue truck and have to buy a new engine that will be able to reach those heights. Some of the surrounding fire departments do have engines that will reach a structure this tall but Charlestown cannot always depend on other town's departments for their assistance. Mr. Daniels would like the progression of this development to slow down its process until the fire department can buy a new truck.

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

- "The proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided."
- Update the soils on site to reflect the 2009 USDA soils update. Updated soil delineations may be found on web soil survey. Information on the website has been provided.

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

Verification of the water allocation for this layout must be received from Artesian Water Company prior to final plat approval. Verification of the sewer allocation for this layout 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. Di Giacomo provided the applicant with comments received from CCPS and Delmarva Power.

There were no comments received by the Citizen'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 Appeals¹ – conditioned on the following issues being adequately addressed:

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

¹ 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 lots² at a density of 2.63/1, was approved³ 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

² On 224.73 SR-zoned acres

³ 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 3/19/07, 1/23/08, & 12/15/08.⁴

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;

⁴ 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.⁵

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.

⁵ 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.

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

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

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 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁶

Slopes greater than 25% must be shown on the Preliminary Plat. Have all steep slopes been denoted?

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.⁷ 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. Technically, it will not be "common open space," as so referenced on the plat.

⁶ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

⁷ 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.

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 have been calculated and included.

Where are the soils types found?

Per §29.5.a (1), a minimum of 25% of the development envelope shall be landscaped.

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

Per §29.5.a (2), a 25' Bufferyard standard C is required around the perimeter of the development tract. Since this proposal represents an internal, RM component within the Charlestown Crossing project, staff would be willing to consider alternative landscaping treatments.

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.

OPZ has received written communication from the Charlestown Fire Company regarding a fire station dedication location.

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 and the Conceptual Environmental Assessment were granted 5-year extensions on 12/6/10.

The revised Preliminary Forest Conservation Plan (PFCP)⁸ and SWM Preliminary Plan must (shall) be approved prior to Planning Commission's review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

⁸ A PFCP was approved on 2/14/05.

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

A Landscape Agreement must be executed prior to recordation.

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

Road names have been approved.

The TIS and associated transportation issues being resolved to the satisfaction of SHA and DPW prior to the Planning Commission's review of the Preliminary Plat was a condition of Concept Plat approval. What progress has been made in that regard? 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 proposed clubhouse must be served by water & sewer systems approved by the Health Department. A major site plan submittal will be necessary for the clubhouse, as the Preliminary Plat does not contain its details, per Appendix A of the Zoning Ordinance. The 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 and sewer allocation/capacity must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

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

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

The applicant is reminded of the 4:30 p.m. submission deadline on the 3rd 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%

2. Granite Cliffs, PUD, 830 Units, MD Rte. 276 & Burlin Road, Concept Plat, Frederick Ward Associates, Seventh Election District.

Kevin Small, Frederick Ward Associates, Dwight Thomey, Esq. and Kevin Wingate, developer, appeared and presented an overview of the project.

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

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

1. A SWM plan, Mass and Final Grading plan, Road & Storm Drain plan, Sanitary Sewer System plans and Water System plans must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The SWM plan for this development must meet the requirements of the current SWM Ordinance. 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. Reword General Note 13 to reflect design compliance with the May 4, 2010 SWM Ordinance & current MDE design Manual.
3. Access must be provided to all SWM facilities from County ROW.
4. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain necessary and appropriate easements from the affected property owners per Sections 251-13C. 3 of the Cecil County SWM Ordinance.
5. Why do you retain the reference in General Note 45 to Section 175 “Community Sewage system” of the CC Zoning Ordinance? Mr. Wingate said that note would be removed.
6. The Department understands that the water supply for this development will be 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. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings.
7. Any private water lines located within County Road ROW must be addressed by a utility easement between the County (Grantor) and Artesian Water Company Grantee). For this purpose the Artesian Water Company may request a blanket easement covering all County ROW similar to that granted for the Charlestown Crossing project.
8. The Department understands that the sanitary sewer service is proposed as being provided by the County.
9. Do you propose the use of any sewer pump station (SPS)? If so their design must be approved by the Department. Any SPS proposed must be located on a lot/parcel of property dedicated to the BOCC of Cecil County and must be identified on the preliminary plat submitted for TAC review.
10. All sanitary sewer lines run outside of County ROW must be located in utility easements. These easements where located outside of County ROW must be a minimum of 20’ wide. They may need to be wider depending on the size and/or depth of the utilities. The final/record plat must reflect the actual easement widths and alignments therefore if during construction width or alignment changes occur the record plat must be amended. Note 26 needs to reflect that.
11. It is indicated that portions of the existing U.S. Government Water easement on this property will be relocated to avoid proposed structures. Why is this not the case for Lot 421? Discussion ensued regarding the remaining pipe. Mr. Woodhull stated that the applicant will need to address the removal of this pipe from under any lots prior to the TAC’s review of a Preliminary Plat.
12. A TIS specific to this proposal has been submitted.
13. The Traffic Group’s January 17, 2011 Traffic Impact Analysis, based on 850 total units & 12,000 sf of retail, submitted with the plat indicates that no improvements to Burlin Road are recommended. The Department does not accept this recommendation and will in fact determine what improvements will be required based on a road condition survey and improvements plan provided by the Developer. In that regard the Department will require a Protocol Two Road Condition Survey of Burlin Road extending from Rock Run Road to MD Route 276. The completed survey and an improvements plan for Burlin Road must be approved by the DPW prior to submitting the preliminary plat to Planning Commission. The minimum improvements

required will be those associated with Section 3.07.15 of the Road Code which nominally requires that Burlin Road be reconstructed for a minimum of 100' either side of the point of intersection to current standards for the appropriate road classification. If the road already meets current standards, no road improvements are required. However with the number of lots and the condition of the existing road additional offsite improvements may very well be required. The road survey and improvements plan will reviewed by the Department. The detail and extent of the offsite improvements required must be agreed to by the Department and the Applicant prior to submitting the preliminary plat to the Planning Commission.

14. The Developer must provide an intersection & stopping sight distance submittal for the proposed Burlin Road access point. This submittal must be approved by the Department prior to presenting the preliminary plat to the TAC for review. Mark the proposed entrance locations in the field by flagging or stake on the roadside bank. Mr. Thomey asked if this would have to be done for only the phase that fronts on Burlin Road or would it have to be done at any phase of the project. Mr. Woodhull said he would look into that and let the applicant know.
15. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes for the proposed Burlin Road intersection. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The intersection location shown appears to require obtaining an ROW from the owners of Parcel 145 to accommodate the deceleration lane
16. A Road Code Variance will be required for the non-compliant cul-de-sac diameters proposed.
17. Has the Applicant addressed the SHA comments regarding sight distance deficiencies of the proposed MD Route 276 entrance? Mr. King said no. The Department will want to see a revised concept plat if the entrance is relocated as it would impact Granite cliffs Blvd. and the proposed commercial lot at a minimum.
18. The Department has a serious concern over the location of the commercial pad site access onto Granite Cliffs Boulevard in close proximity to the MD 276 intersection. At a minimum this should be a right in right out only access. The right in access must be from a dedicated right turn lane running from the MD 276 intersection to the site access. Preferably, all access should be from Bluestone Drive. What type of business is proposed for this pad site?
19. All MDE permitting required for the Bluestone Drive & Turquoise Road stream crossings must be obtained prior to the DPW approving the Road & Storm Drain plans.
20. The Department requires a Geo-technical analysis for all wetlands/streams road crossings to determine suitability of the sub-base to support a county road. This analysis must be included in the road & storm drain design submittal.
21. All proposed roads must comply with Standard Detail R-35 and all appropriate sections of the Cecil County Road Code.
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 and Lot Grading Plan Construction Limits Notes.
 - 22.2 Requirements for Utility relocations.
 - 22.3 Requirements for Public Works Agreements.
 - 22.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 22.5 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."

- b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
3. A Public Works Agreement is required for the streets & storm drainage constructions.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

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

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

- Concept Storm Water Management Plans have been received by the Cecil Soil Conservation District on 1/19/11. At this time plans are currently under review. The Cecil Soil Conservation District does not recommend approval of the Concept Plat until the Concept Storm Water Management Plans have been approved.
- Replace the soils delineations shown with the updated 2009 USDA soils. The updated soils may be found at web soil survey. Information on the website has been provided. Update the General Notes to reflect this change.
- Soil maps and reports on soil limitations have not been provided as they will need to be submitted by the engineer within the Storm Water Management review process.

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

A water allocation for this project must be received from Artesian Water Company prior to final plat approval. A sewer allocation for this project 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. Di Giacomo provided that applicant with comments received from CCPS and Delmarva Light.

Mr. Di Giacomo also stated that Mr. Graham, Citizen's Representative, received several calls regarding this proposed subdivision. The concerns received were regarding the water and sewer, the water run-off, the number of homes, the SWM plans and the adverse effects this project may have on the Bainbridge property and the Town of Port Deposit.

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, RCA

The portion of the site that is within the Town of Port Deposit is zoned R2. No development is proposed in the Town.

Likewise, no development is proposed in the Critical Area portion of the site.

Has a courtesy copy of this proposal been submitted to the Town for their review and comment? Mr. Small said no. Mr. Di Giacomo asked that the applicant send a copy to the town for review. Technically, since this property is not zone TR, the project is not subject to the requirements of §27.2. Nevertheless, for a project of this magnitude, a courtesy review is in order.

In the MEB overlay zone, mineral extraction activities are permitted per §'s 17 and 67.2 of the Zoning Ordinance. A note to that effect should be added to the plat, and any adjacent properties in the MEB overlay zone should be shown on the plat. Documentation must be submitted to the effect that the minerals on this site are unrecoverable. Mr. Small said the documentation has been submitted.

A similar PUD proposal for this site was previously reviewed by the TAC on 2/4/09. It proposed only 703 dwelling units.

Density: The SR zone permits a density of 2/1 w/ community facilities, or 4/1 if a PUD. The project now proposes 830 dwelling units on 393.734 acres, for a proposed density of 2.11/1.

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.

§256.3 requires that the "Sketch Plat/Special Exception Application" next shall be reviewed by the Planning Commission, and that the Planning Commission¹⁰ shall "make recommendations to the Board of Appeals."

Next, the Sketch Plat/Special Exception application 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."

¹⁰ Moreover, §'s 256.3 & 256.4 make clear that the Planning Commission's role now 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.

§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.

A boundary line survey¹¹ must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹²

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

A 110’ perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a 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 wetlands¹³ 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; 44% is cited as being proposed. However, it is unclear if any of that amount is actually in the Town.

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.

¹¹ Note # 2 indicates that the boundary line survey has already been completed.

¹² The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

¹³ Note # 2 indicates that the wetlands have been field delineated.

All “common open space” must be consistently labeled and referenced as such.

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

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 MD 276 and Burlin Road.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

The FSD was approved on 1/21/09.

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 and bounds description of the FRA being shown on the Final & Record Plats.

A Traffic Impact Study (TIS) is required prior to the TAC’s review of any Preliminary Plat. The TIS must account for traffic projected to be generated on the commercial site; that submitted does not appear to have included a signal warrant analysis.

All road names must be approved prior to the Planning Commission’s review of the Preliminary Plat. The following road names remain unapproved:

- 1) Pebble Alley A
- 2) Ruby Road

What is the nature of the U.S. Government water easement, and to where are which segments proposed to be relocated?

Among the General Notes on sheet 2, #45 is in conflict with #'s 9, 15, and 16.

The applicant is reminded of the provisions of §7.2.12.B.12 concerning pedestrian mobility.

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

Per §255.2, why hasn't the club house area been proposed in a more central location? Mr. Wingate said they placed the club house closest to the most dense portion of the property. Mr. Thomey stated that they also felt it was a good place to have the club house because of the view of the river.

The Preliminary Plat must have site-plan level details for the proposed club house area.

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

Are the alleys proposed to be public or privately-owned? Mr. Small said the alleys are proposed to be private.

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 S3 and W3.

All approvals, including site plan approvals and documentation of water and sewer allocation, shall precede Plat Final review.

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.

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," and with §248.2 by proposing "certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD."

This submittal is consistent dwelling type thresholds established in §250.2.

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

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.

§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 was been provided separately and is under review. Individual copies must be provided subsequently for Planning Commission and Board of Appeals members.

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

School information:	Elementary	Middle	High School
	Bainbridge	Perryville	Perryville
FTE	410	597	846
Capacity	449	860	944
% Utilization	91%	69%	90%

The February TAC meeting adjourned at 10:00 a.m.

Respectfully submitted,

Jennifer Bakeoven

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, March 2, 2011, 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), and Bakeoven, Jennifer (CCP&Z).

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

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

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

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

1. The final SWM plan has been approved by the Department.
2. The final plat must include the standard Lot Grading Note or the Department will not recommend approval of the plat.
3. The SWM Declaration required for the ESDs proposed must be executed and the inspection fee paid prior to submitting for the grading permit for this lot.
4. 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.

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

A Groundwater Appropriation Permit Exemption has been requested from Maryland Department of the Environment. Preliminary / Final Plat is satisfactory.

Ms. Latham read the comments of the department.

Mr. Di Giacomo stated that CCPS and SHA had no comments or objections for this project. Comments received from Delmarva Power were provided to the applicant.

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:

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 Plat¹ was approved on 7/17/79, with the Sections 1 and 2 Record Plats being signed on 7/23/79 and 8/7/79, respectively.

The Lot 7A Section 2 Concept Plat was approved on 12/20/10, conditioned on:

- 1) All DPW requirements being met; and
- 2) The common open space requirement being waived.

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 here on 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 Section 2 resubdivision, 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.

Consistent with the approved Concept, this Preliminary-Final Plat proposes one additional lot, the 14th, on the original 250.987 acres, for a proposed, overall density of 1/17.93.

Per Note # 10, the boundary line survey has been completed.

Will the Benjamins be required to sign the Final and Record Plat as a result of the recomputed boundary line on 'Parcel' 3? Mr. Whiteman said no.

§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 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²

No slopes greater than 25% are present.

¹ 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 come into play with its creation.

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

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 any non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. 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 Note #8, 20% landscaping of the development envelope is required, and has been shown. No sidewalks are recommended.

Street trees with a 10' planting easement are required, outside the right-of-way, along the Walton Lane mini-road. This has not been depicted. Where feasible, the natural vegetative equivalent may be used to satisfy the street tree requirements. Mr. Whiteman said he would be requesting a waiver for the street trees requirement.

Per Note # 6, this project is exempt under §3.2K.

The Landscape Plan & SWM Final Plan must be approved prior to Planning Commission review of the Prelim.-Final Plat (§6.3.B(1)(a), Forest Conservation Regulations; §251.12, 2009 SWM Ordinance).

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees 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.

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.)?

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 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 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 Preliminary - Final Plat.

On the other hand, 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?

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 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 3rd Thursday for review by the Planning Commission the following month.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	618	727	1121
Capacity	608	712	1009
% Utilization	102%	102%	111%

2. Garrett Point, Courtesy Review for the Town of Perryville, 62 Units, Charles Street, Concept Plat, CNA Engineers, Seventh Election District.

Doug Kopeck, CNA Engineers, Patrick Wagner, Conifer Group and Marianne Skilling, Town of Perryville, appeared and presented an overview of the project.

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

1. The proposed development is located within the corporate limits of the Town of Perryville. The Town will own the water distribution and sanitary sewer systems in this development. The CCDPW recommends that the water and sewer designs meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.
2. Please confirm that the internal streets are proposed to be private.
3. We recommend that the Town of Perryville require that the concept plat show the existing street connection to Richmond Ave. from Mansion Drive on the Richmond Hill Manor Ltd. Property.
4. The Design of this project must be in accordance with the Cecil County 2010 SWM Ordinance.
5. All proposed impervious surfaces located within IDA Critical Area must be treated using techniques capable of reducing associated pollutant loads to a level at least 10% below the load generated at the same site prior to development (10% Rule)
6. Are proposing curb & gutter or open section street? How do you propose to treat runoff from streets and parking areas? With that in mind, how do you intend to address the SWM requirements for this site? Mr. Kopeck stated that they are proposing curb & gutter.
7. The CCDPW will require an Access, Inspection & Maintenance easement around all the proposed ESDs. Will the Town of Perryville allow an ESD within the Bufferyard 'B' easement? Will they allow the County's easement to overlay theirs? Ms. Skilling said that the town approved the project conditioned on the SWM plan being approved.
8. The use of an infiltration berm to treat runoff from Apt. Bldg. 'A' may not be applicable due to site constraints. With only 25'-35' separation between the building and the proposed forest retention area it appears unlikely that you can get the berm installed and room enough to spread roof runoff from the down spouts into sheet flow. Review the constraints on use of this ESD in Chapter 5 of the MDE Design Manual.
9. Add "and the Cecil County SWM Ordinance" to General Notes #4.
10. The applicant must submit a Concept SWM plan to the CCDPW. Follow the "Checklist for Joint Agency Review SWM/E&S Control" in making this and all subsequent submittals.
11. In accordance with the Stormwater Management Act of 2007 Concept, Preliminary & Final SWM plans must be approved prior to the County's Planning Commission approval of the corresponding plat. We request that the Town of Perryville follow this same approach and not approve this concept plat until such time as the CCDPW has approved the Concept SWM plan.
12. Will the renovation of the existing apartment buildings include any disturbance of the existing previous areas?
13. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

13.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.

13.2 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the standard lot grading note and the note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown 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 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. Woodhull added that DPW will be recommending a TIS be done for this project.

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

Water and Sewer allocations must be obtained from the Town of Perryville prior to Final Plat approval. The allocation letter must contain the following information:

1. The amount of flow allocated. If allocation is in phases, identify the phase of the project the current allocation is for.
2. Identify if the allocation expires if it is not put into use by a given date.
3. Identify if any water or sewer upgrades are needed to provide this allocation (pump stations, new mains, additional treatment) and if any Maryland Department of the Environment permits are required for these upgrades.

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 the owner's signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by the Health Department's signature).

Submit a written description of use for the community building so our office can evaluate if any regulated activities are planned.

Ms. Latham, MDE, read the comments of the department.

Mr. Di Giacomo stated that CCPS, Delmarva Power and SHA had no comments or objections for this project.

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 proposed in the Town of Perryville. The Cecil County TAC, as a courtesy to the towns in the County, reviews site plans and subdivision proposals within the towns' corporate limits.

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

- Another project proposed on this site, Richmond Hills, was previously reviewed by the TAC on 3/5/03.
- Town Zoning: R1 & R3
- Critical Area Designation: LDA (IDA)
- It should be confirmed that the project is consistent with all requirements of the Critical Area Program.
- It is recommended that a note be included on the plat regarding the necessity (or not) of a Growth Allocation for the Critical Area portion of the project.
- Would this proposal, if approved, actually be a resubdivision of Richmond Hill Manor? If so, then it is recommended that a note to that effect be required on the Plat.
- It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance.
- It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R1 & R3 zones.
- The portion of this project that is in the Chesapeake Bay Critical Area is exempt under §3.2.B for the Forest Conservation Regulations. It is recommended that a note to that effect be required on the site plan.
- It is recommended that an Environmental Assessment be submitted to the Critical Area Commission, and it is further recommended that the Planning Commission not approve the Preliminary Plat until after the environmental assessment has been approved.
- Since Cecil County and the Town of Perryville have not signed an "Assigning Obligations Under the Forest Conservation Act" agreement, such reviews are performed as a courtesy to the Town.
- It is recommended that the plat be checked to ensure that all requirements for Concept Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied. Has this Concept Plat been reviewed by the Town already? Mr. Kopeck said yes.
- A 25' buffer is recommended around any non-tidal wetlands that may be present. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts or stream crossings prior to recordation.
- The habitats of any rare, threatened, and endangered species should be avoided.
- It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.

- It should be confirmed that SWM bioswales are permitted in setback and/or buffer areas by the Town's Zoning Ordinance and Subdivision Regulations.
- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
- It is recommended that the Landscape Plan be approved prior to final subdivision approval.
- It is recommended that a Landscape Agreement be executed prior to recordation.
- It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works street code.
- It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.
- It should be confirmed exactly how many ADA parking spaces are required.
- It is recommended that detailed a lighting plan for the parking areas be approved by the Town, with particular attention being paid to pedestrian/bicyclist/vehicular safety and potential conflicts.
- It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.
- It should be confirmed that townhouse and apartment structure configurations are consistent with the Town's Zoning Ordinance and Subdivision Regulations.
- Consideration should be given to soliciting review and comment on the subdivision layout by the Perryville Volunteer Fire Company.
- Fire hydrant/standpipe locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, and/or comments provided by the Perryville Volunteer Fire Company.
- Water allocation should be confirmed prior to final approval.
- Sewer allocation should be confirmed prior to final approval.
- If the Town of Perryville is the proposed public water and sewer provider, then it should be so noted in General Note #2.
- It is recommended that the site design be consistent with the Town's policies regarding possible bus stops/shelters and/or bicycle racks.
- It is recommended that the developer work with the Town on appropriate directional signage at the new condominium entrances, consistent with MUTCD guidelines.

- It is recommended that any necessary re-zoning, variance or special exception be noted on the plat.
- Have any other possible points of ingress and egress been considered?
- It is recommended that, consistent with Town policies, the Town give consideration to requiring a traffic impact study (TIS). It is further recommended that the TIS carefully consider potential impacts to the Franklin Street & MD Route 222 and the US 40 & MD Route 222 intersections.
- The vicinity map should show Route 222 as MD 222 and not US 222.
- It is recommended that the Final and Record Plats contain a statement signed by the Health Department, approving authority, to the effect that the use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.
- For the new condominiums, it is recommended that the Final and Record Plats also contain a statement, signed by the owner, to the effect that such facilities will be available to all condominiums offered for sale.
- It is recommended that any recreational amenities be included in the Public Works Agreement with the Town.
- Site Data Notes 11 & 12 and General Note # 1 are seemingly at odds with one another.
- Will the Town employ a different review and approval process for this condominium proposal? If so, then all previous recommendations and/or suggestions herein, alluding to conformance or performance prior to Final Plat approval, should be considered amended to that approval which is actually necessary prior to the drawing of building permits. Mr. Kopeck stated that all the units will be rentals. Ms. Skilling concurred.
- It is recommended that the condominium review and approval process, if different from the Town's subdivision review and approval process, be strictly adhered to.
- It is recommended that documentation that the CONDO INSTRUMENTS for these condominiums have been accepted by the Maryland Secretary of State be received by the Town prior to recordation.
- It is recommended that all condominium owners be required to become members of the condominium association.

Frank Hodges stated that Community Real Estate Holdings is the name of the entity that the bank is using as the ownership entity of the vacant parcel of land. They are co-owners with Conifer Realty.

The March TAC meeting adjourned at 9:46 a.m.

Respectfully submitted,

Jennifer Bakeoven

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, April 6, 2011, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, MD 21921

Due to a lack of agenda items, there was not an April meeting of the Technical Advisory Committee.

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, May 4, 2011, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, MD 21921

Due to a lack of agenda items, there was not a May meeting of the Technical Advisory Committee.

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, June 1, 2011, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, MD 21921

Due to a lack of agenda items, there was not a June meeting of the Technical Advisory Committee.

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, July 6, 2011, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, MD 21921

Due to a lack of agenda items, there was not a July meeting of the Technical Advisory Committee.

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, August 3, 2011, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Harmon, Lloyd (DEH), Brown, Chris (CCSCS), Graham, Daniel (Citizen's Rep.) and Bakeoven, Jennifer (CCP&Z).

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

1. Barksdale Village, PUD, 148 Units, Barksdale and Valley Roads, Concept Plat, Van Cleef Engineering Associates, Fourth Election District.

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

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

1. The SWM plan must be design in accordance with the current Ordinance and as such must adhere to the plan review process requiring that concept, preliminary & final plans be approved by the DPW prior to submitting the equivalent plat to the Planning Commission for review. The applicant is further advised 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 by this Department.
2. 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.
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 Site Report erroneously states "Sewer is available via the sewer treatment plant north of the project.". This is not the case. 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 therefore the statement in the Site Report that "water is available" is misleading. An 8" water line does run along the Barksdale Road frontage of this development but capacity to allow an allocation does not exist. Both water & sewer service will be dependent upon the Artesian Water Company assuming operation of the Meadowview WWTP & WTP. The department will not approve the final plans for this subdivision until the offsite sewer line plans for connection to the Meadowview WWTP and any required offsite water system plans required for this site have been approved and any required Public Works agreements executed.
5. 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.
6. The downstream conveyance of storm water must be analyzed for the existing culvert under Barksdale Road. Special care must be given to the design if a concentration of runoff will result from any of the SWM facilities proposed.

7. 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.
8. 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.
9. 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.
10. 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.
11. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
12. 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.
13. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
14. 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.
15. On sheet SP4 the Detail of the 34' wide R/W road must be titled Proposed Minor Road not Minor Collector.
16. All driveways must be paved at least to the right of way. The driveway paving, within the R/W, 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.
17. The access to Torres & Miller properties (Parcels 223, 356 & 711) must be aligned with the proposed street to provide as close to a 90⁰ angle as possible but not at less than 70⁰.
18. Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.
19. A PWA is required for the Roads and Storm Drains & Public Sanitary Sewer, and Water Systems where located in County R/W.
20. An I&M Agreement is required for SWM BMPs/facilities.
21. 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. Graham, Citizen's Representative, had received questions from several citizens regarding this project. The first concern was whether a daycare was fulfilling the expectation of a PUD. Mr. Lobdell felt that having a daycare would provide the community with a service to most homeowners. Mr. Graham's next question was pertaining to the high density that is proposed. Mr. Lobdell stated that this project is proposing only half of the allowable density in the ST zoning. Also, there are several townhomes and single family developments on the opposite side of Valley Road in Newark, DE. The third concern that was brought up was that there was no information provided in the site plan in relation to the selling prices of the proposed homes. Mr. Lobdell said the prices will be determined by the market at the time of construction. Lastly, Mr. Graham asked if a sewage disposal plant was included on the plat. Mr. Lobdell said the sewage plant on the plat is the County's Highland WWTP.

Mr. Harmon, 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 sewerline should include capacity for parcels 223 and 711.

Buildings on parcel 288 must be removed prior to record plat approval. The exiting well must be abandoned and sealed by a licensed well driller prior to record plat approval. The existing cesspool/septic tank must be pumped and filled with earth prior to record plat approval.

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 records 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. Brown, CCSCS, read the comments of the department. See file.

Mr. Di Giacomo read the comments of SHA, CCPS and MDE. The office did not receive comments from the Fire Chief's representative. Upon receiving those comments, they will be forwarded to the applicant and added to the file.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 regarding public notification.

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

Zoning: ST

The TAC previously reviewed Concept Plats for part of this site, under the names W. Harris Construction, Estates at Barksdale, and as Barksdale Village, on 8/4/04, 1/5/05, 11/4/09, 1/6/10, and 6/2/10, respectively. This submission again includes Parcels 45, 288, and 619.

PUD's must adhere to the requirements of ARTICLE's XII and XVII (Part II) 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. For PUD proposals in the ST and UR zones, §256.2 stipulates that a PUD is permitted in the ST zone by Special Exception. §256.3 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.¹

§256.4 requires that the "Sketch Plat/Special Exception Application" next shall be reviewed by the Planning Commission, and that the Planning Commission² shall then "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 (FSD), respectively, would need to be approved prior to the Concept Plat's submission for review by the Planning Commission. However, since, per §256.2, this is a "Sketch Plat/Special Exception Application," and per §256.5, as will again be cited below, it

¹ 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.**

² Moreover, **§'s 256.4 & 256.5** 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.

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

The applicant is hereby cautioned 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 §256.5, 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.”³

Per §256.6, “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 application, Preliminary Plats and Final Plats would be reviewed in the regular way, with the Planning Commission rendering decisions, approving or disapproving, 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 ST zone permits a PUD density of 6 du/ 1 ac. Otherwise, the ST zone permits a density of only 4/1 with community facilities. This Concept Sketch Plat proposes 148 dwelling units, and a daycare facility, on 42.61 acres, for a proposed residential density of 3.4733/1.

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(l), however, there is currently no SR zone in the County.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁴

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

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'.

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

⁴ The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

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.

20% common open space is required (§251.5); ±35% is proposed.

Why couldn't more common open space be more centrally located?

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.

15% 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 & 95-110 must be denied direct access to Barksdale and Valley Roads.

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. That Bufferyard can be on individual lots, and not necessarily on common open space. Since there is common open space along Barksdale and Valley Roads, space should be left to accommodate a possible, future sidewalk.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring (§27.4.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.

Again, the FSD must be approved prior to the submission of the PUD Special Exception Application (§5.1.C, Forest Conservation Regs.). The application cannot otherwise be accepted.

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 submissions and discussions, 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.

All internal road names have been approved.

A Traffic Impact Study (TIS) is required prior to the TAC's Preliminary Plat review. Per established precedent, the Newark Planning Department and DelDOT will be invited to participate in the TIS 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.

The second of two Site Data note # 13s contains specific parking details, per §4.0.13 (m) 3. The note numbering must be corrected prior to Planning Commission 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.

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

The 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 ST zone, proposed duplex or semi-detached homes cannot exceed 60%, and townhomes cannot exceed 40%. 50% of the dwellings are proposed as semi-detached, and 39.86% are proposed as townhouses. The remaining 10.14% are proposed as single family dwellings.

This proposal is also consistent with §248.2, with the inclusion of a daycare center.⁵

For PUDs proposed in the ST zone, §256.2 (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 3rd Thursday for review by the Planning Commission the following month. That will be the next step in the process.

School information:	Elementary	Middle	High School
	Cecil Manor	Cherry Hill	Elkton
FTE	474	501	1087
Capacity	523	775	1380
% Utilization	91%	65%	79%

Discussion ensued regarding the pending contract between the county and Artesian Water.

⁵ §252.2 stipulates that business uses permitted in a PUD shall be the same as those permitted in the BL zone for proposal of fewer than 150 dwelling units, and §252.3 states “the requirements of the BL or BG zones shall apply to business uses in a development in the PUD.”

The August TAC meeting adjourned at 9:52 a.m.

Respectfully submitted,

Jennifer Bakeoven

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, September 7, 2011, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, MD 21921

Due to a lack of agenda items, there was not a September meeting of the Technical Advisory Committee.

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, October 5, 2011, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, MD 21921

Due to a lack of agenda items, there was not an October meeting of the Technical Advisory Committee.

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, November 2, 2011, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, MD 21921

Due to a lack of agenda items, there was not a November meeting of the Technical Advisory Committee.

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, December 7, 2011, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, MD 21921

Due to a lack of agenda items, there was not a December meeting of the Technical Advisory Committee.